

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54931 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- NADI P.S. District- Bhagalpur

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MD. SHAHNAWAZ S/O MD. SAMSUL Resident of village- Lokmanpur,
P.S.- Nadi (Naugachia), District- Bhagalpur. Petitioner/s
Versus

1. The State of Bihar
 2. Manjola Khatoon W/O Sagir R/O Village- Lokmanpur,P.S.- Nadi, District-
Bhagalpur
- Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda,Advocate
For the Opposite Party/s : Mr.Syed Ehteshamuddin,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 07-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
15.06.2022 in connection with POCSO Case No.106 of 2022
(arising out of Nadi P.S. Case No. 18 of 2022), F.I.R. dated
15.06.2022 registered for the offence punishable under Sections
376,511,324,504,506,34 of the Indian Penal Code and Section
3/4 of of POCSO Act.

Allegation against the petitioner is that he tried to
commit rape upon the victim.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been
implicated in the present case. Further submits that the
allegation as alleged in the FIR is false and fabricated and no



such occurrence had taken place and the police, after investigation, submitted chargesheet against the petitioner under Sections 354A/354B of IPC and Sections 8/12 of POCSO Act but the learned Trial Court differing with the police report and took cognizance under Sections 354A,354B of IPC and Sections 8/12 and 18 of POCSO Act .

Vide order dated 22.03.2023, a report was called for with regard to the stage of the trial. Report of the learned Trial Court dated 28.03.2023 reveals that out of five chargesheet witnesses, two witnesses have been examined on 24.01.2023.

Considering the aforesaid facts and report of the learned Trial Court, I am not inclined to enlarge the petitioner on bail in connection with POCSO Case No.106 of 2022 (arising out of Nadi P.S. Case No. 18 of 2022) pending in the court of learned Exclusive Special Judge (POCSO)-cum-7th Addl. District and Sessions Judge, Bhagalpur.

Prayer is refused.

However, the learned Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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