

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55874 of 2023

Arising Out of PS. Case No.-142 Year-2023 Thana- SHAHKUND District- Bhagalpur

Md. Barkat @ Barktullah Son Of Md. Shamshad Resident Of Village
Simariya Ps Kajraili, Dist- Bhagalpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar Sinha

For the Opposite Party/s : Mr.Rita Verma

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-12-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 366(A) of the Indian Penal Code but later on section 376 of IPC and Section 4 of POCSO Act were added during the course of investigation.

The allegation against the petitioner is that he has abducted the minor daughter of the informant for the purpose of solemnization of marriage.

It is submitted by learned counsel for the



petitioner that petitioner has been falsely implicated in this case. There is inordinate delay of 4 days in lodging the F.I.R. It is further submitted that victim is not ready to conduct medical examination. Moreover, the petitioner is in judicial custody since 11.04.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned APP appearing on behalf of the State vehemently opposed the prayer of the petitioner and submitted that victim has specifically whispered about the complicity of petitioner in her abduction and commission of rape in her statement recorded under Section 164 of Cr.P.C. She has stated that petitioner abducted her and forcefully took her to patna, then to Delhi and next to Mumbai and finally to Calcutta. He has forcefully committed rape with her.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and,



as such, his prayer for bail stands rejected.

Learned trial court is directed to expedite the trial and conclude the same within a period of nine months.

However, if the trial of the petitioner is not concluded within a period of nine months, he would be at liberty to renew his prayer for bail.

(Sunil Kumar Panwar, J)

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