

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54403 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- JADIA District- Supaul

MOHAMMAD AJIT S/o Lal Mohammad Resident of Village- Pandeypatti,
Ward No.08, P.S.- Jadia, District- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54778 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- JADIA District- Supaul

MD. NAUSHAD Son of Mohammad Ajit R/V- Pandeypatti, Ward No. 8, P.S-
Jadia, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 54403 of 2022)

For the Petitioner/s : Mr. Arun, Adv.

For the Opposite Party/s : Mr. Sadanand Paswan, APP

(In CRIMINAL MISCELLANEOUS No. 54778 of 2022)

For the Petitioner/s : Mr. Arun, Adv.

For the Opposite Party/s : Mr. Usha Kumari No.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 17-03-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seek bail in a case registered for the
offence under Sections 363, 366(A), 504, 506 and 34 of the
Indian Penal Code and Section 8 and 17 of the POCSO Act and
also Sections 3(1)(r)(s), 3(2)(va) of the SC and ST Act.

The minor daughter of the informant is alleged to have
been eloped by the petitioners and others for the purpose of



performing marriage with the petitioner, Naushad.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that alleged occurrence is of 15.12.2022 and the present case has been instituted on 05.01.2022 after delay of twenty days without explaining the delay. He further submits that no such occurrence as alleged in the F.I.R. has taken place. The petitioners are rotting in judicial custody since 23.02.2022 and 05.01.2022.

Vide order dated 02.12.2022, a report with regard to present stage of the trial was called for and the report dated 05.12.2022 reveals that out of seven prosecution witnesses, five witnesses have been examined and only I.O. and the Doctor are to be examined, therefore, the case is running at the stage of prosecution evidence.

Learned counsel for the petitioner further contends that in view of the report, the trial of the case is not likely to be concluded in near future and the petitioners are rotting in judicial custody since 23.02.2022 and 05.01.2022. Hence, the petitioners may be enlarged on bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the trial of the case is at fag end and likely to be concluded soon.

Considering the facts and circumstances of the case



and the substantial progress as shown in the report of the learned court below, this Court does not find any cogent ground to enlarge the petitioners on bail at this stage.

Accordingly, the prayer for bail of these petitioners is rejected.

However, this Court taking note of the substantial progress in the trial as it emerges from the report received from court below would consider it to direct the learned trial court to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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