

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71284 of 2021

Arising Out of PS. Case No.-43 Year-2019 Thana- MAHILA P.S. District- Muzaffarpur

Md. Soheb @ Md. Shoaib, Son of Md Hadish Miyan, Resident of Village -
Katra, P.S.- Katra, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Hussamuddin Azad, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 01-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Muzaffarpur Mahila P.S. Case No.43 of 2019 registered for the offence punishable under Sections 376, 323, 504, 34 of the Indian Penal Code and Section 4 of the POCSO Act, which is pending in the court of learned ADJ-VII-cum-Special Court POCSO, Muzaffarpur.

Under earlier order dated 01.11.2022, after due consideration of the fact that prosecution evidence as well as statement of both accused persons were already recorded, this matter had been adjourned for three months since the trial court's report indicated that some time was required for obtaining and considering the result of DNA test.



This Court would consider that allegation against the petitioner along with other co-accused persons is of committing rape upon the informant, as a result of which she has become pregnant and given birth to a child.

The petitioner's counsel has submitted that similarly situated co-accused Imam Maulana Maqbool @ Maulana Maqbool @ Md. Makbul Ahamad was allowed bail in Cr.Misc. No.12680 of 202, vide order dated 07.07.2021.

Petitioner is stated to be in custody since 08.09.2021, i.e., after bail was granted to said Imam Maulana Maqbool. Also taking into consideration the advanced stage of the trial, which is on the verge of conclusion, this Court is not inclined to allow the prayer for bail. Application stands rejected.

The trial court should take all steps to conclude the trial expeditiously and preferably within three months.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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