

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65124 of 2023

Arising Out of PS. Case No.-57 Year-2022 Thana- AKBARNAGAR District- Bhagalpur

Dinbandhu Singh, S/O Damodar Singh R/O Village- Gogachak, P.S- Tarapur,
Distt.- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Veena Devi, W/O Nityanand Singh R/O Mohalla- Jagatpur, P.S- Lodipur,
Distt.- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Ranjan Kumar Jha, Adv. Mr. Kumar Rajdeep, Adv. Mr. Arvind Kumar, Adv.
For the Opposite Party/s :		Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 20-12-2023 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Akbarnagar P.S. Case No. 57 of 2022, lodged on 21.06.2022
under Sections 341, 323, 354(b), 379, 363, 365, 497. 504, 506,
34 of the Indian Penal Code read with section 4/8 of the POCSO
Act.

3. As per the prosecution case, the allegation against
the petitioner has been made relating to commission of offence
under POCSO Act. *Vide* order dated 12.10.2023, case diary as
well as the statement of the victim recorded under Section 164



Cr.P.C. has been called for and upon perusal of the statement of the victim under Section 164 Cr.P.C., it transpires to this Court that offence under POCSO Act has been made out.

4. Learned counsel for the petitioner submits that the petitioner has been made accused and case has been transplanted against him. Counsel further submits that the petitioner is in custody since 19.07.2023.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that upon going through the statement under Section 164 Cr.P.C., every doubt about commission or non commission of the offence is clear.

6. After going through the statement of the victim recorded under Section 164 Cr.P.C., this Court is not inclined to grant regular bail to the petitioner.

7. Accordingly, the prayer for regular bail of the petitioner in connection with Akbarnagar P.S. Case No. 57 of 2022, pending before the learned Additional District and Sessions Judge-VI-cum-Exclusive Spl. Judge, POCSO, Bhagalpur is hereby rejected.

8. It is made clear that under the POCSO Act, the Special Court has to complete the trial as soon as possible within a period of one year from the date of taking the



cognizance of the offence as mentioned in section 35(2) of the POCSO Act, 2015.

9. However, the liberty is hereby granted to the petitioner that he may renew his prayer for bail only after lapse of the period as mentioned in Section 35(2) of the POCSO Act, 2015.

(Dr. Anshuman, J.)

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