

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64521 of 2022

Arising Out of PS. Case No.-26 Year-2022 Thana- MAHILA P.S. District- Araria

Md. Shakib Son Of Late Najamuddin @ Bakrid R/O Vill.- Khairuganj, Ward
No. 01, P.S.- Araria, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 04-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
05.07.2022 in connection with Araria Mahila P.S. Case No. 26
of 2022, F.I.R. dated 04.04.2022 registered for the offences
punishable under Sections 376 (AB) of the Indian Penal Code,
Section 06 of the POCSO Act.

Allegation against the petitioner is that he made
sexual relation with the victim who is minor as a result of which
she became pregnant.

Learned counsel for the petitioner submits that the
petitioner has clean antecedents and he has been falsely
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R. is false and fabricated and the



petitioner has not committed any offence as alleged in the F.I.R.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that at the time of medical examination the victim was pregnant.

Vide order dated 25.04.2023, a report was called for with regard to the stage of the trial. Report dated 01.05.2023 of the learned Trial court reveals that charge was framed on 17.11.2022 and out of six charge-sheeted witnesses, four witnesses including the informant have been examined and only two witnesses i.e. I.O. and doctor have yet to be examined.

Considering the aforesaid facts and in view of the report of the learned Trial court, I am not inclined to enlarge the petitioner on bail in connection with Araria Mahila P.S. Case No. 26 of 2022 pending in the Court of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Araria.

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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