

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75413 of 2022**

Arising Out of PS. Case No.-50 Year-2019 Thana- MAHILA P.S. District- Nawada

MD. FUZWA @ MD. MAHFOOZ ALAM SON OF MD. JAMAL R/O
VILL.- TAKIYAPUR, P.S.- BUNDEL KHAND, DISTT.- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghendra Pratap Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 22-02-2023 Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of regular bail in a case registered under section 376D of the Indian Penal Code and sections 6 and 10 of the POCSO Act.

As per the prosecution case, the petitioner is said to have kidnapped the minor daughter of the informant and of having committed rape on her.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 22.10.2021 (Annexure-1) passed in Cr. Misc. no. 19148 of 2020. It is further submitted that inspite of the petitioner having remained in custody since 18.1.2019, the trial has still not concluded nor is there any chance of the same concluding in the near future. The petitioner undertakes to



cooperate in the trial.

The application for bail is opposed by learned APP for the State.

A report was called for from the learned trial Court. As per the report received contained in letter dated 23.1.2023, six witnesses have been examined on behalf of the prosecution and only one prosecution witness remains to be examined.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the allegations having been supported by the minor daughter of the informant in her statement under section 164 Cr.P.C together with the progress as per the report received from the learned trial Court, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial and to conclude the same preferably within a period of four months from the date of communication of this order.

(Partha Sarthy, J)

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