

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9377 of 2024

Arising Out of PS. Case No.-145 Year-2023 Thana- ISHAKCHAK District- Bhagalpur

Warish Khan @ Arbaj Khan Son of Salim Khan Resident of Village- Islam
Nagar Colony Barahpura, Ps- Ishakchak Dist- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Gajee Son of Late Mushtaque Alam Resident of Village- Sir Syed Gali
(Barahpura), PS- Ishakchak, Dist- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md.Najmul Hodda, Adv.
For the Opposite Party/s	:	Mr.Anuj Kumar Shrivastava, APP
For the Respondent	:	Mr. Kumar Rajeev, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 25-04-2024 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the Informant.
Perused the case diary.

2. The petitioner seeks bail in connection with
POCSO Case No. 170 of 2023 arising out of Ishakchak P.S.
Case No. 145 of 2023 instituted for the offences under Sections
341, 323, 354A, 354D, 506, 376, 120B and 34 of the Indian
Penal Code and Section 4, 6, 8 and 12 of the POCSO Act.

3. The allegation against the petitioner is of
misbehaving with the minor daughter of the Informant. It is
further alleged in second part of the F.I.R. that when the wife
and daughter of the Informant were going to the market, in the



way, the petitioner threw ice upon them.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to enmity. There was a dispute going on between the parties with respect to monthly fair as the Informant sine about one year has not paid fair to the petitioner and due to malicious intention, he has filed the present case. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. He further submits that the victim girl in her statement made under Section 164 Cr.P.C. has not supported the prosecution case. In Para-40, she has denied for internal examination and the Doctor has found no physical or chemical injury on her body. The petitioner is languishing in judicial custody since 27.09.2023 and the charge-sheet after investigation has been submitted in this case. Charge has also been framed in this case on 19.10.2023.

5. On the other hand, the learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is named in the F.I.R. and the victim girl in her statement made under Section 164 Cr.P.C. has fully supported the prosecution case.



The I.O. after investigation, has filed charge-sheet under Sections 341, 323, 354(a), 354(d), 506, 509 of the Indian Penal Code and Section 8/12 of the POCSO Act against the petitioner. The allegation made against the petitioner is serious in nature and, thus, the petitioner does not deserve bail.

6. Learned counsel for the Informant has further submitted that till date, five prosecution witnesses have been examined in this case.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case and the statement of the victim under Section 164 Cr.P.C. as also nature of offence which is very serious and heinous, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously without unnecessary adjournment.

(Rudra Prakash Mishra, J)

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