

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55571 of 2023

Arising Out of PS. Case No.-425 Year-2021 Thana- PHULWARISHARIF District- Patna

Vishal Kumar son of Mahesh Prasad House no-A/2, Alkapur Ps- Phulwari
Sharif Dist- Patna Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 12-01-2024 Heard Mr. Shivnandan Bharti, learned counsel for

the petitioner and Ms. Pushpa Sinha 1, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
23.08.2022 in connection with Phulwari Sharif P.S. Case No.
425 of 2021, F.I.R. dated 12.05.2021 for the offences punishable
under Sections 341, 323, 354B, 354D, 385 of the Indian Penal
Code and Section 12 of the POCSO Act, but later on Section 3
& 4 of POCSO Act and Section 66 of the IT Act along with
Sections 341, 323, 376, 385 of the Indian Penal Code have been
added.

3. Earlier the bail application of the petitioner has been
rejected vide order dated 25.04.2023 passed in Cr. Misc. No.
71811 of 2022.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



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 offences as alleged in the F.I.R. He further submits that in fact the petitioner was in love with the victim and due to ulterior motive the present F.I.R has been instituted against him.

5. Vide order dated 03.11.2023 a report was called with regard to the present stage of trial. Report of the learned Trial Court dated 28.11.2023 reveals that out of 7 charge sheet witnesses, 4 witnesses have already been examined.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the report of the learned Trial Court, I am not inclined to enlarge the petitioner on bail in connection with Phulwari Sharif P.S. Case No. 425 of 2021 pending in the court of learned Additional District & Sessions Judge VI cum Special Judge, POCSO, Patna.

8. Prayer is refused.

9. However, learned Trial Court is directed to expedite and conclude the trial at the earliest.

(Rajesh Kumar Verma, J)

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