

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54643 of 2023

Arising Out of PS. Case No.-118 Year-2022 Thana- JALALGARH District- Purnia

TAJIR @ MD. TAJIR @ AASHIQUE S/O SABIR @ SABIR ALAM R/O
VILLAGE- PIPARPATEE/PIPERPANTI, WARD NO.-14, P.S.-
JALALGARH, DISTT.- PURNEA.

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. MR. 'X' SON OF MD. RAFUL R/o Village-Manware, Ward No.-11, P.S.-
Jalalgargh, District-Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Suresh Pd. Sah Barnwal, Advocate Mr. Satishchandra Mishra, Advocate
For the A.P.P.	:	Mr.Nirmal Kumar Sinha, A.P.P.
For the Informant	:	Mr. Fazle Karim, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

7 01-03-2024 Heard learned counsel for the petitioner, learned A.P.P.

for the State assisted by learned counsel for the informant.

2. The petitioner seeks bail in connection with Spl.
(POCSO) Case No. 141 of 2022 arising out of Jalalgarh P.S. Case
No. 118 of 2022 registered for the offences punishable under
Sections 363, 365 and 34 of the Indian Penal Code and Section 4/6
of the POCSO Act.

3. As per prosecution case, two victims are said to
have been taken away by the petitioner and others.

4. Learned counsel for the petitioner submits that
there is inordinate delay of three days in lodging the F.I.R. as
occurrence took place on 02.07.2022 and the F.I.R. was lodged on



05.07.2022 and said delay has not been explained properly. He further submits that the allegation of F.I.R. has not been supported by medical report of the victim. Petitioner is in custody since 20.10.2022 and bears no criminal antecedent. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. He further submits that co-accused Danish Alam has already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 9596 of 2024.

5. The learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioner by submitting that the case of the co-accused Danish Alam is totally different from the case of present petitioner as the allegation of committing rape is directly attributed against the petitioner and the same is supported by categorical statement of victim recorded under Section 164 of the Cr.P.C.

6. A report vide order dated 22.12.2023 has been sought by this Court and in pursuance of the said direction, the trial court vide letter no. 14/2024 dated 09.01.2024 has specifically reported that five prosecution witnesses have already been examined and remaining two witnesses are yet to be examined. The report further reveals that the learned trial court has sought three months time to conclude the trial of the case.

7. Considering the facts and circumstances of the case,



nature of allegation levelled against the petitioner coupled with Statement of victim recorded under Section 164 of Cr.P.C. as well as material available on record, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

8. However, the learned trial court is directed to conclude the trial by the putting the same on the day to day basis.

(Alok Kumar Pandey, J)

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