

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73123 of 2024

Arising Out of PS. Case No.-111 Year-2022 Thana- NIRMALI District- Supaul

Md. Sultan Son of MD. Alauyddin @ Alaudin Resident of Village -
Lalmaniya, P.S. - Marouna, District - Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramdev Dhankar @ Ramdev Mallik Son of Shobhi Dhankar Resident of
Niramali, Ward No.12, P.S. - Nirmali, District - Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shahid Aqubal, Advocate

For the Opposite Party/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-11-2024 Heard Mr. Shahid Aqubal, learned counsel for the
petitioner and Mr. Binay Krishna, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
04.06.2022, in connection with POCSO Case No. 40 of 2022
arising out of Nirmali P.S. Case No. 111 of 2022, FIR dated
02.06.2022 for the offences punishable under Sections 366(A),
370, 376(3) and 34 of the Indian Penal Code and Section 4 of
the POCSO Act and Sections 3(2)(v), 3(2)(va) of the SC/ST Act.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 22.03.2023 passed in Cr. Misc. No.
60593 of 2022. Thereafter, the petitioner has again moved
before this Hon'ble Court for grant of regular bail in Cr. Misc.



No. 15257 of 2024 which was dismissed as withdrawn on 01.03.2024 with liberty to the petitioner to move a fresh application before the learned Court below.

4. From a bare perusal of the FIR it appears that there is direct and specific allegation against the petitioner that he has committed rape upon the victim.

5. Vide order dated 18.10.2024, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 23.10.2024 reveals that out of nine witnesses, victim, 4 non-officials, 3 members of the medical board and the Investigation Officer have already been examined and the case is pending for the examination of the rest of the two members of the medical board, namely, Dr. Ranjeet and Dr. Puja Bharti.

6. Learned APP for the State vehemently opposed the prayer for bail of the petitioner.

7. Considering the nature of the acquisition against the petitioner in the FIR as well as report of the learned trial Court, I am not inclined to enlarge the petitioner on bail in connection with POCSO Case No. 40 of 2022 arising out of Nirmali P.S. Case No. 111 of 2022 pending in the Court of learned Addl. Sessions Judge VI Cum Special Judge, POCSO



Court, Supaul.

8. Prayer is refused.

9. 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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