

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75587 of 2024

Arising Out of PS. Case No.-328 Year-2024 Thana- RANIGANJ District- Araria

Md. Sahrul @ Md. Saharul @ Sonu son of Iliyas Resident Of Village
-LAXMIPUR Bhagwati, Ward No 10, Ps- Sri Nagar, District -MADHPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Adv.

For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 05-12-2024 Heard Learned Counsel for the petitioner and Learned
A.P.P. for the State.

2. The present Criminal Miscellaneous Application has been filed under Sections 483 & 484 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of regular bail to the petitioner in connection with Raniganj P.S. Case No. 328 of 2024 lodged on 22.07.2024, for the offences punishable under Sections 93, 98, 99, 111(5) & 143(4) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as "BNS, 2023").

3. As per the prosecution, FIR has been lodged against
4 named accused persons including the present petitioner. It has



been alleged that mother of the minor daughter in connivance with the petitioner has sold her daughter to other accused persons. In the meantime, by the quick action of the police, the said victim child has been recovered and upon her disclosure, the case has been lodged.

4. Learned Counsel for the petitioner submits that petitioner is innocent and has committed no offence. Counsel submits that from the FIR, it become clear that it is the mother of the victim child who has sold her daughter to other accused persons and role of the petitioner has been shown as mediator who upon instruction of the purchaser, used to hand over the victim child, but in the meantime, police has arrested him. Counsel further submits that the criminal antecedent of the petitioner is clean and he is in custody since 23.07.2024. Counsel submits that charge-sheet has already been filed. Counsel submits that petitioner is not the accused, rather, he is the victim in this case.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the present FIR has been lodged after 01.07.2024 i.e. under the provisions of BNSS, 2023 in which there is a provision of speedy trial and as well as conduction of trial in absentia as laid down under section 335 of



the BNSS, 2023.

6. In this background, this Court after seeing the involvement of the petitioner in commission of crime is not inclined to grant bail to him. Accordingly, the prayer for regular bail of the petitioner is hereby rejected.

7. It is hereby directed to the Trial Court as well as Superintendent of Police, Araria to conduct the investigation and do every support in completion of trial in connection with Raniganj P.S. Case No. 328 of 2024 according to the provisions of BNSS, 2023. It is made clear that in the BNSS, 2023, the Parliament has already made provision to conduct trial in absentia of the accused as well as there is no need of production of witnesses physically before the Trial Court and inquiry, investigation, trial everything may be done through audio/video visuals as laid down under section 353 of the BNSS, 2023. Hence, it is directed to the Superintendent of Police, Araria to direct the concerned SHO to do the needful in coordination with the Court and complete the trial within 60 days in the light of BNSS, 2023.

8. Office is directed to transmit a copy of this order to the Superintendent of Police, Araria through fax, e-mail or any other mode forthwith. Office is further directed to hand over a copy of this order to Learned APP for the State who shall



communicate this order to the Superintendent of Police, Araria at
his level.

(Dr. Anshuman, J)

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