

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 80417 of 2023**

Arising Out of PS. Case No.-123 Year-2023 Thana- THARTHARI District- Nalanda

KAMLESH KUMAR SON OF THAKUR SINGH RESIDENT OF
VILLAGE-NATAICHAK, PS- THARTHARI, DISTT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Sunil Prasad Singh, Advocate
For the State	:	Ms Gulnar Begum, APP
For the Informant	:	Mr Pankaj Kr, Advocate

**CORAM: HONOURABLE MR JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 29-02-2024 Heard learned counsel appearing on behalf of the parties.

2 The petitioner seeks bail in connection with POCSO Case No 145 of 2023 arising out of Tharthari PS Case No 123 of 2023 registered for the offence punishable under Sections 457, 341, 354B of the Indian Penal Code and Sections 8/12 of the POCSO Act.

3 From perusal of the First Information Report, impugned order dated 09.10.2023 passed by the learned trial Court, case diary and statement of the victim recorded under Section 164 of Cr P C, it appears that at the time of this incident, the victim was only 12 years old. Allegation against the petitioner is of entering the room of informant, forcibly touching



her breast, attempting to open her pant, shutting her mouth and attempting to commit sexual assault. No circumstance or any material have been shown of false implication. In her statement recorded under Section 164 of Cr P C, the victim has also supported her version of first information report.

4 In these circumstances, I am not inclined to grant bail to the petitioner at this stage. Accordingly, this bail petition is rejected.

5 However, learned trial Court is directed to conclude the trial within six months of receiving a copy of this order.

6 If the trial is not concluded within the aforesaid period of six months, the petitioner may renew the prayer for bail before the trial Court and the trial Court shall grant bail to the petitioner.

(Ramesh Chand Malviya, J)

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