

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 84456 of 2023**

Arising Out of PS. Case No.-245 Year-2022 Thana- LAUKAHA District- Madhubani

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MD. SALIM @ RAJU SON OF AFGAL R/O VILLAGE - LAUKAHA, P.S.-
LAUKAHA, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Laukaha P.S. Case No. 245 of 2022 corresponding to G.R. NO.
1504/2022 registered on 05.09.2022 lodged under Sections
366(A), 376/34 of the I.P.C. and Section 4 of th POCSO Act.

3. As per the prosecution case, F.I.R. has been lodged
against five named accused persons including the petitioner
against whom there is an allegation of kidnapping with a view
to do illegal work and also for human trafficking.

4. Counsel further submits that petitioner is innocent
and has committed no offence. He further submits that petitioner
is in custody since 14.09.2022 having clean antecedent. He
further submits that elopement of the petitioner took place with
her consent, but subsequently, she returned and her marriage
was solemnized which is annexed in Annexure-2 by virtue of



the certificate issued by Sarpanch of the Village.

5. Counsel submits that cognizance has been taken and charge is also framed and no useful purpose shall be served keeping the petitioner in custody.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and particularly in the light of the Section 35 of the POCSO Act, 2012 where it has been indicated that Special Court shall complete the trial as far as possible within a period of one year from the date of taking cognizance of the offence. The order of cognizance has been annexed in the bail application, by which it transpires to this Court that cognizance has been taken in this case on 02.02.2023 and one year has not been passed.

8. As such, this Court is not inclined to grant bail to the petitioner. Accordingly, bail application is hereby stands rejected.

(Dr. Anshuman, J)

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