

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85400 of 2023

Arising Out of PS. Case No.-134 Year-2022 Thana- BARSOI District- Katihar

Md. Mujjamil @ Md. Mujjammil SON OF MD. SOHRAB R/O VILLAGE-
BAISEBHITTI, P.S.- BARSOI, DIST.- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Fakhruddin Ali Ahmad, Advocate
For the Opposite Party/s	:	Mr.Yogendra Kumar Singh, APP
For the Informant	:	Mr. Suresh Prasad Sah @ Baranwal, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 19-03-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant. Perused the
case diary.

2. The petitioner seeks bail in CIS case No. 61 of 2022
(G.R. No. 2689 of 2022) arising out of Barsoi P.S. case No. 134
of 2022 instituted for the offences under Sections 363, 366(A)
of the Indian Penal Code and Section 8 of POCSO Act. In which
cognizance has been taken under Sections 363, 366(A), 376 of
the Indian Penal Code and Section 4 of POCSO Act.

3. Prosecution case, in brief, is that the daughter of the
informant left her house to attend a wedding and did not return.
The informant suspects that the petitioner had kidnapped her as
he was in contact with her from last one year.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case and cognizance has also been taken by the Court below. The medical report does not support the allegation made in the F.I.R. In her Section 164 Cr.P.C. statement, the victim has not supported the prosecution case. The petitioner is in custody since 27.06.2022 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the informant submits that the arguments has already concluded and the case is fixed for judgment.

6. A report was called for from the Trial Court. It has been reported that out of 10 prosecution witnesses named in the charge-sheet, altogether nine charge-sheet witnesses have been examined and the trial Court further reported that trial will conclude within a period of three months.

7. Considering the aforesaid facts and circumstances of the case and the fact that the case is fixed for judgment, this Court is not inclined to grant bail to the petitioner.

8. The prayer is rejected. The Trial Court is directed to take all necessary steps to conclude the trial at earliest



preferably within a period of three months from the date of receipt/production of a copy of this order.

9. If the trial is not concluded within the stipulated period, the petitioner will have liberty to renew his prayer for bail before the Court below.

(Rudra Prakash Mishra, J)

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