

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3841 of 2025

Arising Out of PS. Case No.-83 Year-2024 Thana- RS P.S. District- Madhubani

=====

Mumtaz Pamariya S/O Md Isarail Pamariya @ Isarail @ Md Isarail R/O
Village- Deep, P.S.- R.S. Jhanjharpur, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sahnaz Khatoon W/O Shakil Abbasi R/O Village- Deep, ward no.- 9, P.S.-
R.S. Jhanjharpur, District- Madhubani

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

For the Informant : Mr. Kuldeep Kumar, Advocate

=====

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

ORAL ORDER

6 23-06-2025 Heard learned counsel for the petitioner, learned
APP for the State, learned counsel for the informant and perused
the case diary.

2. The petitioner seeks bail in connection with R.S.
Jhanjharpur P.S. Case No. 83 of 2024, instituted for the offences
punishable under Section 126(2), 127(2), 115(2), 75, 76, 352,
351(2) of the Bharatiya Nyaya Sanhita, 2023 and read with
Sections 8/12 of POCSO Act.

3. The prosecution case, in short, is that, the petitioner
was molesting the victim by removing her clothes in a hut inside
Hatiya Gachhi.

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. Learned counsel for the petitioner also submits that the petitioner is maternal uncle of the victim and there is land dispute in between the petitioner and husband of the informant. It is further submitted that parents of the victim denied for her medical test and also denied to produce the clothes of victim girl which she was wearing at the time of occurrence. The petitioner is in custody since 15.10.2024 and has got no criminal antecedent.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner and submitted that there is specific allegation against the petitioner of sexually assaulting the victim who is a minor girl aged about six years. It is further submitted that the witnesses in their statement have supported the prosecution case and the victim in her statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has also supported the allegation levelled against the petitioner. Hence, the petitioner does not deserve the privilege of bail.

6. On perusal of the report sent by learned Court below, it appears that charge has been framed against the petitioner on 02.01.2025. Out of seven charge-sheeted witnesses



six witnesses have been examined and only one witness is yet to be examined.

7. Considering the aforesaid facts and circumstances of the case, stage of trial, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner at this stage.

8. The prayer is rejected. The trial Court is directed to expedite the Trial and conclude the same preferably within a period of two months.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

