

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27944 of 2025

Arising Out of PS. Case No.-536 Year-2023 Thana- BIRAUL District- Darbhanga

=====

Amarjeet Sada S/o Malvar Sada R/o - Bhawanipur, P.S - Biraul, District -
Darbhanga, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kari Sada S/o Siyaram Sada R/o vill - Bhawanipur, P.s.- Biraul, Distt.-
Darbhanga

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-05-2025 Heard Mr. Vinay Kumar Mishra, learned counsel for

the petitioner and Mr. Surendra Prasad Singh, learned APP for

the State.

2. Petitioner seeks bail, who is in custody since

09.12.2023, in connection with Biraul P.S. Case No. 536 of

2023, F.I.R. dated 04.11.2023 registered for the offences

punishable under Section 376 of the Indian Penal Code and

Sections 4, 6 of the POCSO Act.

3. Earlier the prayer for bail of the petitioner was

rejected vide order dated 18.09.2024 passed in Cr. Misc. No.

41404 of 2024.

4. Learned counsel for the petitioner submits that the



petitioner is in custody since 09.12.2023 and the trial is not in progress and the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.

5. Vide order dated 25.04.2025 a report was called for with regard to the stage of the trial. Report dated 29.04.2025 of the learned Trial Court reveals that charge has been framed against the petitioner on 05.08.2024 under Section 376(2)(1) of the Indian Penal Code and under Section 6 read with Section 5(k) of the POCSO Act but till date no prosecution witness has been examined as yet.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 09.12.2023.

7. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the F.I.R. it appears that there is direct and specific allegation against the petitioner that he has committed rape upon the victim and it has come during investigation that the victim is mentally unsound and she has supported the allegation in her statement recorded under Section



164 of the Cr. P.C./ Section 183 of B.N.S.S. 2023 and apart from that the date of birth of the victim suggests that the alleged date of occurrence the victim was minor and the medical report also supports the allegation as alleged in the F.I.R.

8. Considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Biraul P.S. Case No. 536 of 2023 pending in the Court of learned Exclusive Special Judge (POCSO Act), Darbhanga.

9. Prayer is refused.

10. However, the learned Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

Ibrar//-

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

