

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28903 of 2025

Arising Out of PS. Case No.-208 Year-2023 Thana- KURTHA District- Jehanabad

Nazir Shah S/O Sahju Shah R/O Village- Sewabigha, P.S- Kurtha, Distt.-
Arwal. Petitioner/s

Versus

1. The State of Bihar
2. XX S/O YY Village- Sanjiwan Dargah, P.S- Kurtha, Distt.- Arwal.
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-06-2025 Heard Mr. Shailesh Kumar Singh, learned counsel

for the petitioner and Mr. Ashok Kumar Singh, learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
08.05.2024 in connection with Kurtha P.S. Case No. 208 of
2023, F.I.R. dated 23.06.2023 for the offences punishable under
Sections 366A, 504, 506 and 34 of the Indian Penal Code and
Section 4 of the POCSO.

3. Earlier the bail application of the petitioner was
dismissed as withdrawn vide order dated 13.09.2024 passed in
Cr. Misc. No. 66031 of 2024.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R. is false and fabricated and the
petitioner has not committed any offences as alleged in the



F.I.R. The petitioner is in custody since 08.05.2024.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. / Section 183 of the Bhartiya Nagarik Suraksha Sanhita in which she has categorically stated that the petitioner along with other accused persons have committed rape upon her and the medical report of the victim also suggest that she has been subjected to sexual assault by the petitioner and other accused persons.

6. Considering the aforesaid facts and circumstances that there is direct and specific allegation against the petitioner supported by the medical evidence, I am not inclined to enlarge the petitioner on bail in connection with Kurtha P.S. Case No. 208 of 2023 pending in the court of learned Additional Sessions Judge VI-cum-Special Judge (POCSO Act), Jehanabad.

7. Prayer is refused.

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

(Rajesh Kumar Verma, J)

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