

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28271 of 2025

Arising Out of PS. Case No.-155 Year-2022 Thana- KASBA District- Purnia

Md. Sabir Son of Late Tamizuddin Resident of village - Balu Tola, Diwan Tola, Sadhubely at present resident of village - Kajara, P.S.- Kasba, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sajera Khatoon Daughter of Moinuddin Wife of Md. Sabir, Resident of village- Balu Tola, Sadhubely, P.S- Kasba, District- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Kumar Anand, Advocate
For the State	:	Mr. Damodar Prasad Tiwary, APP
For the O.P. No.2	:	Mr. Sarveshwar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-06-2025

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Special POCSO Case no.130 of 2023, arising out of Kasba P.S. Case no.155 of 2022 registered under sections 376, 341, 323 and 354 of the Indian Penal Code and section 8 of the POCSO Act.

3. As per the prosecution case, the informant states that the petitioner herein who happens to be her husband is an addict and used to force her to enter into an illicit relationship with the other accused. At his instigation, the informant was raped by the co-accused.

4. Learned counsel for the petitioner submits that the



earlier application for bail of the petitioner was rejected vide order dated 29.2.2024 passed in Cr. Misc. no.76923 of 2023. The petitioner has been falsely implicated in the case. He happens to be the husband of the informant. The allegations levelled are not only false and concocted but preposterous and it is for this reason that initially a complaint was filed which subsequently was registered as an F.I.R. No offence under the POCSO Act is made out. The petitioner is in custody since 9.6.2023 and has no criminal antecedent. In spite of the petitioner cooperating in the learned Court below, the examination of prosecution witnesses has still not concluded.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the opposite party no.2. Learned counsel for the opposite party no.2 submits that as per instructions received, only the Investigating Officer of the case remains to be examined.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 15.5.2025, six witnesses including one Investigating Officer have been examined while the informant who happens to be the wife of the petitioner together with the Medical Officer and one Investigating Officer remain to be examined.



7. At this stage, learned counsel for the informant on behalf of the informant undertakes that all the non-official witnesses who may not have been examined will be examined within the next two months.

8. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner in the F.I.R., together with the trial having proceeded and at least six witnesses having been examined on behalf of the prosecution as per the report received from the learned Court below, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

9. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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