

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54618 of 2024

Arising Out of PS. Case No.-798 Year-2023 Thana- SHERGHATI District- Gaya

Md. Naushad Son Of Musha Khalifa R/O- Bhalua Karmauni, P.S.- Dhobi,
Distt.- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Victim X, D/O- Shibu Das R/O- Village- Bhalua Karmauri, P.S.- Dobhi,
District- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Advocate
For the Opposite Party/s : Ms. Usha Kumari 1, APP

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

ORAL ORDER

5 13-05-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Sherghati (Dobhi) P.S. Case No. 798 of 2023 instituted for the offence under Sections 376, 504 & 506 of the Indian Penal Code, Sections 4/6 of the POCSO Act and Sections 3(1)(r)(s)(w) (i)/ 3(2-v) of the SC/ST Act. Earlier vide order dated 02-05-2024, passed in Cr. Appeal (SJ) No. 1421 of 2024, appeal of the petitioner was dismissed as withdrawn with a liberty to file criminal miscellaneous.

3. Prosecution case in short is that petitioner used to establish physical relation with the informant due to which she



became pregnant and gave birth to a girl child.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 22-07-2023. Petitioner bears no criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that FIR is lodged after a significant delay only when the victim gave birth to a baby. It is next contended that victim in her statement recorded under Section 164 of the Cr.P.C. has very specifically deposed that sexual relation was established at her own volition. Police after completion of investigation has submitted charge sheet in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted by referring to medical report that victim is minor and there is definite signs of recent delivery.

7. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence, victim being minor, this Court is not inclined to grant bail to the petitioner. Prayer for grant of bail is, accordingly, *rejected*.

8. The Trial Court is directed to expedite the trial as



expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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