IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79486 of 2024

Arising Out of PS. Case No.-709 Year-2023 Thana- SAHARSA SADAR District- Saharsa

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Mohammad Imtiyaz @ Chunna S/O Mohammad Anwar @ Mohammad Anwar Alam Resident of Village- Saharsa Basti, Dumrail, Ward No. 33/26, P.S. Saharsa, District- Saharsa

... ... Petitioner/s

Versus

1. The State of Bihar Bihar
2. Akbari Khatoon W/O Md. Moti R/O Village- Saharsa Basti, Dumrail Tola, Ward No. 33/26, P.S- Saharsa, Distt.- Saharsa.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Ms. Priyanka Singh

For the State : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

5 25-02-2025 Heard Mr. Yogesh Chandra Verma, learned Senior counsel for the petitioner and Mr. Ram Sevak Choudhary, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 10.10.2023, in connection with Special POCSO Case No. 75 of 2023 arising out of Saharsa Sadar P.S. Case No. 709 of 2023, F.I.R. dated 08.10.2023 registered for the offences punishable under Sections 376(3) and 506 of the Indian Penal Code and Sections 4 and 6 of the POCSO Act.

3. Earlier the bail petition of the petitioner was rejected vide order dated 19.04.2024 passed in Cr. Misc. No. 24348 of 2024.

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4. Learned Senior counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely 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 offence as alleged in the F.I.R.

5. Learned counsel for the State, on the other hand, on the basis of material available on record as well as case diary 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 BNSS, 2023 in which she has categorically stated that the petitioner has repeatedly committed rape upon her and apart from that the medical report of the victim also suggests that the victim was pregnant at the time of her medical examination.

6. Vide order dated 17.01.2025 a report was called for with regard to the stage of the trial. Report dated 31.01.2025 of the learned Trial Court reveals that out of ten chargesheeted witnesses, nine prosecution witnesses including the victim of the case have been examined and the case is pending only examination of one prosecution witness.

7. Considering the aforesaid facts and circumstances of the case, nature of allegation as alleged in the F.I.R. as well as

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164 statement of the victim, medical report of the victim and in view of the report of the learned Trial Court, I am not inclined to enlarge the petitioner on bail in connection with Special POCSO Case No. 75 of 2023 arising out of Saharsa Sadar P.S Case No. 709 of 2023 pending in the Court of learned Special Judge, POCSO, Saharsa.

8. Prayer is refused.

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

(Rajesh Kumar Verma, J)

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