

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81981 of 2024

Arising Out of PS. Case No.-205 Year-2024 Thana- BARAULI District- Gopalganj

Mokhtar Mian @ Mokhtatar Mian @ Mokhtar Miyan S/O Late Jhulan Mian
@ Late Jhhulan Mian R/O Village- Batardeh, P.S- Barauli, Distt.- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Reeta Devi Wife of Dilip Sah R/O Village- Batardeh, P.S- Barauli, Distt.- Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Adv
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 11-08-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Barauli P.S. Case No. 205 of 2024 registered for the offences

under Sections 64(1) and 62 of the BNS and Sections 4 and 6 of

the POCSO Act.

3. The petitioner is named in the F.I.R. and is in

custody since 09.08.2024.

4. The allegation against the petitioner is to commit

sexual assault upon daughter of the informant.

5. Learned counsel appearing on behalf of the

petitioner submitted that informant is not the eye-witness of the



occurrence and the present FIR was lodged on the basis of information supplied by victim to her father, who is informant of the present occurrence making allegation more aggravated by way of improvement as to implicate petitioner falsely. It is submitted that petitioner is a man of clean antecedent and was well acquainted with informant and her family members. It is also pointed out that upon medical examination hymen of victim was found intact, therefore, allegation of penetrative sexual assault not appears convincing medically. In this context it is also submitted that no visible injuries was noticed in or around private parts of the victim or for that matter on any other parts of her body. While concluding the argument it is submitted that trial of this case is not likely to conclude within one year in view of Section 35 (2) of the POCSO Act, and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer for bail submitted that six prosecution witnesses already examined in this case and matter is now pending for examination of I.O. only.

7. A report regarding stage of trial was called for



from the Trial Court, which made available to this Court through Letter No. 234 dated 15.07.2025, which also suggest that this matter is pending for examination of I.O. only.

8. Considering the aforesaid factual submission and by taking note of fact as the trial of this case is at its fag end, accordingly, the prayer for bail of the petitioner is rejected herewith for the present.

9. However, considering the custody period as discussed aforesaid and further time restrain as available under Section 35 (2) of the POCSO Act, learned Trial Court is directed to conclude the trial, preferably, within next 2 (two) months from the date of receipt of this order.

10. Let copy of this order to be sent to SP Gopalganj to examine I.O. of this case immediately.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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

