

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84076 of 2024

Arising Out of PS. Case No.-160 Year-2024 Thana- SHERGHATI District- Gaya

Md. Sajan @ Md. Mehand @ Md. Mehandi @ Mehdi @ Mehandi S/o Md. Inam @ Md. Guddu R/o Mohalla - Urdu Mohalla, P.S. - Sherghati, Distt.- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Musharat Pravin W/o Md. Irfan R/o- urdu Mohalla, P.S.- Sherghati, Distt.- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Ojha, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 07-04-2025 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 377 of the Indian Penal Code and Section 4 of the POCSO Act.

3. The case of the prosecution is that the petitioner has committed carnal intercourse with the minor son of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Learned counsel for the petitioner has submitted that the petitioner is a young boy and there is also a dispute between the parties. A statement has been



made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 18.09.2024.

5. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail and submitted that during course of investigation, victim has given his statement under Section 164 of the Cr.P.C. wherein he has categorically stated that the petitioner has committed carnal intercourse with him and from perusal of the medical report, it is clear that the doctor has found abrasion injury on anterior region of anus and an abrasion of posterior region of anus. Bleeding present from both abrasion.

6. The report from the trial Court has been called and from perusal of the report, it transpires that altogether seven witnesses are yet to be examined.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as the nature of allegation, this court is not inclined to enlarge the petitioner on bail at this stage. Hence, his prayer for bail stands rejected.

8. However, the petitioner may be at liberty to renew his prayer for bail after six months if the trial is not concluded.



9. Trial Court is also directed to expedite the trial so
as to conclude the same within six months.

(Ashok Kumar Pandey, J)

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