

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47781 of 2014

Arising Out of PS.Case No. -31 Year- 2013 Thana -MAHILA PS District- JEHANABAD

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Anish Kumar Son of Rambali Singh resident of village- Jehangirpur, P.S.-
Paras Bigha, P.O.- Kalhari, District- Jehanabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate.

For the Opposite Party/s : Dr. Ajit Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 17-09-2015

Heard both sides

The petitioner seeks bail in a case under Section 376
of the Indian Penal Code and Section 4 of the POCSO Act.

The petitioner is alleged to have committed rape with
the victim and the medical report supports the factum of rape. The
prayer for bail of the petitioner was earlier rejected vide order
dated 09.04.2014.

Considering the nature of allegation, I am not
inclined to enlarge the petitioner on bail in Jehanabad Mahila P.S.
Case No. 31/13. Accordingly, the same is rejected.

Sri Ajay Kumar Thakur, learned counsel for the
petitioner, submits that the petitioner is in jail since 04.05.2013.
The petitioner has already remained in jail for more than two years
but the trial has not yet progressed.

The trial court is directed to expedite the trial and conclude the same within nine months from the date of receipt / production of this order holding the trial on day-to-day basis.

The Superintendent of Police, Jehanabad is directed to ensure the attendance of the prosecution witnesses of S. Tr. No. 49/2014, arising out of Jehanabad Mahila P.S. Case No. 31/13, so that the trial must be concluded within aforesaid period of nine months.

If the Superintendent of Police fails to produce the witnesses, the court in seisin of the case shall send a report to this Court.

If the trial is not concluded within the stipulated period, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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