

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20875 of 2016

Arising Out of PS.Case No. -47 Year- 2013 Thana -DEEPNAGAR District- NALANDA
(BIHARSHARIFF)

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Balbir Paswan @ Chuharba, son of Sri Parmeshwar Paswan, R/o Village-
Gauraper, P.S. - Chandi, District - Nalanda

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Rabindra Prasad Singh, Advocate.

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 26-10-2016

Heard both sides.

The petitioner seeks bail in Deepnagar P.S. Case No.
47 of 2013 registered under Sections 365, 366/34 of the Indian
Penal Code and Sections 3(a)/4 of the POCSO Act.

The prayer for bail of the petitioner was earlier
rejected vide order dated 17.06.2015 passed by this Court in Cr.
Misc. No. 20712/2015 with a direction to the trial court to
conclude the trial within nine months from the date of receipt of
the order. A report was called for from the trial court. The trial
court has reported that seven witnesses have already been
examined. Victim Saroj Devi was also examined and partly cross-
examined and only two witnesses are yet to be examined. It is
submitted that more than a year has elapsed but the trial has not
yet been concluded.

Considering the facts aforesaid and the nature of allegation made against the petitioner and the fact that the petitioner was earlier convicted in a similar nature of case, I am not inclined to enlarge the petitioner on bail in Deep Nagar P.S. Case No. 47/2013, G.R. No. 568/13. Accordingly, the same is rejected.

The trial court is directed to hold trial on day-to-day basis and conclude the same within four months from the date of receipt / production of a copy of this order.

The Superintendent of Police, Nalanda is directed to ensure attendance of the victim and the other two remaining witnesses in the court so that the trial must be concluded within four months.

(Prabhat Kumar Jha, J)

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