

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32508 of 2016

Arising Out of PS.Case No. -221 Year- 2014 Thana -BIHRA District- SAHARSA

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1. Parash Jha, son of Gauri Shankar Jha @ Gauri Jha, resident of Village-Sihoul, P.S.-Bihra, District- Sharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Sri Dilip Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

7 10-11-2016

Heard both sides.

The petitioner seeks bail in POCSO Case No. 04/2015, arising out of Bihra P.S. Case No. 221/2014, registered for the offences punishable under Sections 366A, 376 and other Sections of the Indian Penal Code.

The prayer for bail of the petitioner was earlier rejected vide order dated 12.02.2016 passed in Cr. Misc. No. 54290/2016.

Learned counsel for the petitioner submits that the case is pending in the Court of the learned Additional Sessions Judge I-cum-Special Judge of POCSO, Saharsa. Charges were framed but not a single witness has yet been examined.

It appears that earlier the prayer of the petitioner was rejected as there is specific allegation against the petitioner that he committed rape with the victim and the petitioner moved again

after examination of the victim. It is clear that the victim has already been examined and she repeated her assertion that the petitioner committed rape with her.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on bail. Accordingly, the same is rejected.

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

The S.P., Saharsa is directed to ensure the presence of remaining prosecution witnesses of Bihra P.S. Case No. 221/2014, corresponding to POCSO Case No. 04/2015 in the court of the Additional Sessions Judge I-cum-Special Judge of POCSO, Saharsa, who in seisin of the case and ensure that the trial must be concluded within nine months from the date of receipt of a copy of this order.

Let a copy of this order be communicated to the Additional Sessions Judge I-cum-Special Judge of POCSO, Saharsa as well as the S.P., Saharsa for information and needful.

(Prabhat Kumar Jha, J.)

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