

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24319 of 2016

Arising Out of PS.Case No. -3 Year- 2015 Thana -MAHILA PS District- AURANGABAD

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Ashok Paswan Son of Chandradeep Paswan Resident of Village- Vantara,
PS Deokund, District Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari

For the Opposite Party/s : Mr. Sanjay Kr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 03-08-2016 Heard the counsel for the petitioner and the State.

This is repeat application seeking bail in Daudnagar
Mahila P.S. Case No. 03 of 2015 (G.R. No. 07 of 2015)
registered under Section 341, 376 of the Indian Penal Code.

The prosecutrix aged about 14 years alleged rape on
her by the petitioner. Considering the allegation this Court had
rejected the prayer for bail of the petitioner vide order dated
09.07.2015 (Annexure-1). The petitioner was, however, granted
liberty to renew his prayer for bail if the trial does not record
adequate progress within nine months. Such observation was
made considering the fact that he was languishing in custody
since 05.03.2015.

Status report was called for which is placed at Flag

‘A’. It appears that charges have already been framed under diverse penal provisions of the Indian Penal Code as well as the POSCO Act on 28.04.2016. The trial court has taken steps for production of witnesses. However, no prosecution witnesses till date has been examined.

Considering the facts and circumstances of the case, this Court while declining the relief, dispose of the bail application by the following order:-

- (i) The Trial Court shall endeavour to examine the remaining prosecution witnesses within five months from the date of receipt/production of a copy of this order failing which the petitioner shall be released on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Special Judge, POSCO, Act Aurangabad in Daudnagar Mahila P.S. Case No. 03 of 2015.
- (ii) One of the bailors shall be his own/close family member.
- (iii) The petitioner shall appear in person on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel his bail bonds

(Kishore Kumar Mandal, J)

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