

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46105 of 2016

Arising Out of PS.Case No. -141 Year- 2015 Thana -SONBERSA District- SITAMARHI

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Pannalal Raut @ Pannulal Raut @ Punnu Lal Raut S/o - Late Dukha Raut
resident of village - Vishrampur, P.S. - Sonbarsa, District - Sitamarhi.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 16-11-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner, whose application for bail was
earlier rejected vide order dated 14.12.2015 passed in Cr. Misc.
No. 55890 of 2015 with observation that in case the trial is not
concluded within nine months he would be at liberty to renew
his prayer for bail before this Court, has renewed his application
for bail on the ground that though the charges were framed on
08.01.2016, the prosecution has failed to examine any witnesses
in support of its case before the trial court.

It is contended by the learned counsel for the

petitioner that the victim of the case has not supported the allegation made against the petitioner in her statement recorded under Section 164 of the Code of Criminal Procedure.

On the other hand, learned counsel for the State has opposed the application for bail. He has submitted that on merits the application for bail of the petitioner has already been rejected by this Court and the delay alone cannot be a ground for re-consideration of bail.

Having heard the parties, regard being had to the inordinate and unexplained delay on the part of the prosecution to examine its witnesses before the trial court, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-I-cum-Special Court, POCSO Act, Sitamarhi in connection with Tr. No. 36 of 2015 arising out of Sonbarsa P.S. Case No. 141 of 2015.

(Ashwani Kumar Singh, J.)

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