

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19124 of 2017

Arising Out of PS.Case No. -54 Year- 2014 Thana -BUNIADGANJ District- GAYA

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Jitendra Kumar @ Jitendra Kumar Choudhary @ Jitendra Choudhary, Son
of Arjun Choudhary, resident of Village- Manpur, Pehani Nimtar, Police
Station- Buniyadganj, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Kumar, Advocate.

For the Opposite Party : Mr. Rana Randhir Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 10-05-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 28.06.2014
in connection with Sessions Trial No. 12 of 2015, arising out of
Buniyadganj P.S. Case No. 54 of 2014 for the offences instituted
under Sections 363/34 of the IPC. After investigation, the police
has submitted charge sheet under Sections 376(2-G), 302, 201/34
of the IPC and 4/6 of the POCSO Act.

The prosecution story, in brief, is that on 28.06.2014, the
informant found that her grand-daughter, namely, Anjali Kumari,
aged about 11 years, is not at home and thereafter when she did
not return till night, she started her search but she could not trace



out her and thereafter, on her information Sanha No. 342 was registered at Buniyadganj P.S. on 23.06.2014. The informant suspected about this petitioner and one Raju Chaudhary that they under a criminal conspiracy have kidnapped her grand-daughter.

The earlier bail application of the petitioner was rejected vide Cr. Misc. No. 41006 of 2015 dated 14.10.2015 taking into account that the petitioner had confessed his guilt regarding kidnapping of the minor girl and committed rape upon her. After commission of rape, he was done to death. The dead body was recovered on the confessional statement of the petitioner.

A report was called for from the court below regarding the stage of the case. It has been reported that out of 10 prosecution witnesses, 08 witnesses have already been examined and the trial is expected to be concluded within a period of three months.

Considering the aforesaid facts and circumstances and the stage of the case, I am not inclined to grant bail to the petitioner. The same is rejected in connection with POCSO Trial No. 12 of 2015, arising out of Buniyadganj P.S. Case No. 54 of 2014, pending in the court of the learned Additional Sessions Judge Ist, Gaya-cum-Special Judge, POCSO Act, Gaya.

The court below is directed to take all necessary steps to



conclude the trial preferably within a period of four months from the date of receipt/production of copy of the order.

The District Magistrate, Gaya and the Superintendent of Police, Gaya are also directed to ensure that during the trial the prosecution witnesses be produced on the date fixed by the court below so that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, Gaya and the Superintendent of Police, Gaya.

(Sudhir Singh, J)

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