

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52321 of 2016

Arising Out of PS.Case No. -43 Year- 2015 Thana -MAHILA P.S. District- PURNIA

Surendra Kumar Mirdha @ Surendra Mirdha, Son of Elaichi Mirdha,
resident of village - Darmahi, Chandwa, P.S. Falka, District - Katihar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Nawal Kishor Singh, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 11-01-2017

The petitioner seeks bail in connection with Special
Case No. 35 of 2015 arising out of Mahila P.S. Case No. 43 of
2015 registered under Sections 376(2)(i) of the Indian Penal
Code and sections 3, 4 and 6 of the Protection of Children from
Sexual Offences Act, 2012.

The prayer for bail of the petitioner was earlier
rejected by this Court vide order dated 19.05.2016 passed in Cr.
Misc. No. 21729 of 2016.

It is contended by the learned counsel for the
petitioner that though the petitioner is in custody since 11th July,
2015 and charges were framed against him on 16th of February,
2016, no prosecution witness has been produced before the trial
court on behalf of the prosecution.



Be that as it may, regard being had to the serious nature of allegation that the petitioner bodily lifted a minor girl aged about ten years and ravished her, I am not inclined to take a different view of the matter. Accordingly, the prayer for bail is rejected.

The learned 1st Additional Sessions Judge-cum-Special Judge, Purnea is directed to take up the trial of the petitioner on priority basis and conclude the same as early as possible. The Superintendent of Police, Purnea is also directed to produce the prosecution witnesses before court below without any further delay.

Registry is directed to communicate a copy of the order to the Superintendent of Police, Purnea and the court below forthwith.

In case the trial is not completed within one year from the date of receipt/production of a copy of the order, the petitioner would be at liberty to renew his prayer for bail before the court below itself.

(Ashwani Kumar Singh, J.)

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