

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.4925 of 2017**

Arising Out of PS.Case No. -4 Year- 2016 Thana -BABUBARHI District- MADHUBANI

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Pawan Kumar Mahto @ Pawan Kumar Singh @ Pawan Singh, S/o Ram  
Vilash Mahto, Resident of Village- Hanuman Nagar (Bathanaha), P.S.-  
Phulparas District- Madhubani.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Manish Kumar No 13

For the Opposite Party/s : Mr. Nand Kumar

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      22-02-2017                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner seeks bail in a case instituted under  
Sections 366(A) of the Indian Penal Code and Section 4 of  
POCSO Act. However, charge sheet was submitted under  
Sections 366(A) and 376/34 of the Indian Penal Code.

Allegation against the petitioner is that he was seen  
with the victim on a motorcycle. So the informant suspects that  
the petitioner has kidnapped his daughter for some ulterior  
motive.

Earlier the bail application of the petitioner was  
rejected vide Annexure-1 to the present application. This is the  
second attempt made on behalf of the petitioner for grant of bail.

A report was called for from the Trial Court. It has



been reported that 10 prosecution witnesses are to be examined and the trial is expected to be concluded within a period of 9 months.

Considering the aforesaid facts and circumstances and the allegations made by the victim in her 164 Cr.P.C. statement, I am not inclined to grant bail to the petitioner. The same is rejected in Babubarahi P.S. Case No. 04 of 2016, corresponding to G.R. No. 02 of 2016, pending in the Court of learned 1<sup>st</sup> Additional Sessions Judge, Madhubani.

However, the Trial Court is directed to take all necessary steps to conclude the trial preferably within a period of 9 months from the date of receipt/production of copy of this order.

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

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

**(Sudhir Singh, J)**

Amit/-

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