

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1795 of 2017

Arising Out of PS.Case No. -53 Year- 2015 Thana -MAHILA P.S. District- NAWADA

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Arvind Yadav @ Boudhu Yadav Son of Ugal Yadav, Resident of Village-
Gonawan, P.S.- Nawada, District-Nawada.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sheo Kumar Prasad
For the Respondent/s : Mr. Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

6 30-08-2017 Heard the learned counsel for the appellant as well

as the learned A.P.P. for the State.

This Criminal Appeal has been filed seeking bail
in connection with POCSO Case No. 28 of 2015 arising out of
Nawada Mahila P.S. Case No. 53 of 2015/ G.R. No. 2391 of 2015
for the offences punishable under section 376 of the I.P.C., section
4/8 of the POCSO Act and sections 3 (1) (xii) of the SC/ST Act.

The appellant wants to renew his prayer for bail
which was earlier rejected by order dated 30.01.2016 passed in Cr.
Misc. No. 57869 of 2015, on the ground that the victim girl has
not stated anything in her statement recorded under section 164 of
the Cr.P.C and the doctor has not found any spermatozoa and the
appellant is suffering in custody since 01.09.2015 and as such he



deserves sympathetic consideration.

The learned Special P.P. opposes prayer for bail of the appellant by submitting that the doctor has also found sign of intercourse and the informant being mentally weak was unable to speak.

In the facts and circumstances stated above, finding no good ground for reconsideration of prayer for bail, again prayer for bail of the appellant stands rejected in connection with the aforementioned case pending in the court of Special Judge, Nawada.

However, considering detention of the appellant, the learned trial Judge is directed to expedite the trial and to conclude the same as early as possible preferably within six months.

(Jitendra Mohan Sharma, J)

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