

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50482 of 2016

Arising Out of PS.Case No. -337 Year- 2014 Thana -DIGHA District- PATNA

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Nagina Chaudhary S/o Keshwar Chaudhary, R/o Village Digha Nahar Par,
P.S. Digha, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Harsh Singh

For the Opposite Party : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 25-01-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case instituted under
Sections 376(2) (f) read with Section 34 of the Indian Penal Code
and Sections 4 and 6 of the POCSO Act.

Allegation against the petitioner is that he along
with other co-accused forcibly took the daughter of the informant
at brick kiln, on the bank of river Ganga and committed rape upon
her.

Earlier the bail application of the petitioner was
rejected vide Annexure-1 to the present application with the
direction to the court below to conclude the trial preferably within
a period of one year from the date of receipt/production of the



order. In the light of the said direction, it is the second attempt made on behalf of the petitioner.

It has been submitted on behalf of the petitioner that two prosecution witnesses have already been examined in this case and the last witness was examined on 22.07.2016 and since then no prosecution witness has been examined.

A report was called for from the trial court regarding the stage of the case. It has been reported that two charge sheeted witnesses have been examined in this case and the victim as well Investigating Officer and Doctor are yet to be examined in the present case. Regarding the same, letter has been sent by trial court to the Senior Superintendent of Police, Patna for production of the said witnesses. It has further been reported that within a period of three months, it is expected that the trial will be concluded.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Special (POCSO) Case No. 76 of 2014, arising out of Digha P.S. Case No. 337 of 2014, pending in the court of learned Additional Sessions Judge-1, Patna.

The District Magistrate, Patna and the Senior Superintendent of Police, Patna are directed to ensure that the



remaining 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, Patna and the Senior Superintendent of Police, Patna.

(Sudhir Singh, J.)

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