

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1503 of 2017

Arising Out of PS.Case No. -151 Year- 2013 Thana -RAJAULI District- NAWADA

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1. Vikesh Kumar @ Bhalu, S/o Binod Singh, R/village- Karigaon, P.S.-
Rajauli, Dist- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Rashmi Kumari Mandilwar

For the Opposite Party/s : Mr. Sri Shailendra Kumar -1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

5 19-04-2017 Heard both sides.

The petitioner seeks bail in Rajauli P.S. case No. 151
of 2013 under Section 376 of the Indian Penal Code and under
Section 6 of the POCSO Act.

The prayer of petitioner for bail was earlier twice
rejected by this court vide order dated 20.02.2015 passed in Cr.
Misc. No. 48175 of 2014 and vide order dated 18.05.2016 passed
in Cr. Misc. No. 20514 of 2016 with a direction to the court below
to conclude the trial within six months from the date of receipt of
the order dated 18.05.2016.

The learned counsel for the petitioner submits that
from the order of the learned Additional Sessions Judge, it would
appear that the prosecution failed to produce the witnesses and



that is why the case remained pending for disposal.

The Superintendent of Police, Nawada is present in court and he filed his show cause, in pursuance of the order dated 23.02.2017.

It is submitted that already eight prosecution witnesses have been examined but the court fell vacant, therefore, remaining witnesses could not be examined. The Superintendent of Police, Nawada undertakes to examine the witnesses when the Presiding Officer joins.

The personal appearance of Superintendent of Police, Nawada is dispensed with.

Considering the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

If the court of 1st Additional Sessions Judge is vacant on account of transfer, the learned Sessions Judge Nawada is directed to designate the senior most Additional Sessions Judge as Additional Sessions Judge-I-cum-Special Judge, POCSO so that the trial may be concluded within four months.

(Prabhat Kumar Jha, J)

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