

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11927 of 2017

Arising Out of PS.Case No. -41 Year- 2013 Thana -TANDWA District- AURANGABAD

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1. Rabindra Mushar @ Ravindra Mushar, S/o Madan Mushar, resident of Village- Pokhara Par, P.S.- Nabinagar, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s Mr. Mithilesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

04 10.05.2017 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Trial court has reported that victim has been examined in course of trial and she has supported the prosecution story. The trial court has further reported that due to abscond of one co-accused, trial of the petitioner could not proceed.

There is allegation against the petitioner that he along with others committed house dacoity and in that course, the petitioner as well as his associates committed gang rape on a minor girl.

Therefore, considering the aforesaid facts and circumstances as well as submissions of the parties, I am not inclined to release the petitioner on bail and, again, his prayer for bail in connection with Tandwa P.S. Case no. 41/2013 pending in the court of Special Judge, POCSO Act, Aurangabad stands rejected.

However, learned trial court is directed to proceed with the



trial of the petitioner even by separating the case of absconder accused from the case of the petitioner. The concerned Special P.P should take effective steps to procure the attendance of the prosecution witnesses.

Let a copy of this order be sent to Superintendent of Police, Aurangabad with direction to him to ensure the presence of remaining prosecution witnesses before the concerned court without any delay.

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(Hemant Kumar Srivastava,J)

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