

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52031 of 2017

Arising Out of PS.Case No. -73 Year- 2016 Thana -MAHILA P.S. District- PATNA

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Nutan Joseph @ Chhoti Mam @ Nutam Mam, Daughter of Joseph Francis,
resident of Kurji Christian Colony, Police Station-Digha, District-Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Kanhaiya Prasad Singh, Sr. Advocate
and Mr. Pritish Kumar Lal, Advocate.

For the Opposite Party : Mr. Akshay Lal Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-01-2018 Heard learned senior counsel for the petitioner and

learned counsel for the State.

The petitioner is languishing in custody since
05.11.2016 in connection with Special (POSCO) Case No. 167 of
2016, arising out of Mahila P.S. Case No. 73 of 2016 for the
offence registered under Sections 377 read with 34 of the
I.P.C.1860 and 6 of the Protection of Children from Sexual
Offences (POCSO) Act, 2012.

The prosecution story, in brief, is that the informant
Shruti Mathur has stated that on 27.10.2016 her daughter after
returning from the School was feeling uncomfortable and she told
that she is feeling pain in her anus and urinary organ. On further



inquiry, she told that the petitioner Nutan Joseph whom she called *Chhoti Mam* used to insert her finger in her urinary organ and she further stated that the victim told her that Indu Anand whom she called Bari Mam used to watch the occurrence. The prosecutrix told about the occurrence to her husband when he came back from his job. She also made complaint to the School and got the victim examined by a doctor. She further stated that she went to meet the Principal of the School but he was not willing to meet. However, he met after much effort and they complained to her about the occurrence but he did not pay much attention to it. He called the offending teachers before the victim but due to fear the victim did not tell anything. She further stated that her daughter told that such occurrence was being done by the teachers from a long period.

This is second attempt on behalf of the petitioner for grant of bail.

Earlier bail application of the petitioner was rejected vide Cr. Misc. No. 53531 of 2016 dated 23.12.2016 taking into account that the alleged offence was made against 5 to 6 years of female child.

A report was called for from the court below regarding the stage of the case. It has been reported that the case is pending for recording the statement under Section 313 Cr. P.C. and further



it has been reported that within a period of three months the trial is expected to be concluded.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner at this stage. The same is rejected in connection with Special (POSCO) Case No. 167 of 2016, arising out of Mahila P.S. Case No. 73 of 2016, pending in the court of learned 1st Additional Sessions Judge, Patna.

The court below is directed to take all necessary steps to conclude the trial within a period of three months from the date of receipt/production of copy of this order.

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(Sudhir Singh, J)

