

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1860 of 2018

Arising Out of PS.Case No. -4 Year- 2016 Thana -BABUBARHI District- MADHUBANI

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Pawan Kumar Mahto @ Pawan Kumar Singh @ Pawan Singh, S/o
Ramvilash Mahto, Resident of Village - Hanuman Nagar (Bathnaha), P.S. -
Phulparas, District - Madhubani.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ramakant Sharma, Senior Advocate, Mr.
Jitendra Kumar Bharti, Advocate and Mrs.
Nitu Kumari No. 7, Advocate.

For the Opposite Party : Mr. Tarun Prasad Mandal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 04-04-2018 Heard learned senior counsel for the petitioner and
learned counsel for the State.

The petitioner is languishing in custody since
06.03.2016 in a case registered for the offence under Sections
366(A) of the IPC and 4 of POSCO Act. However, charge sheet
has been submitted under Sections 366(A) and 376/34 of the IPC.

The prosecution case, in brief, is that the informant
alleged that on 05.01.2016, his minor daughter, Babita Kumari,
aged about 16 years, had gone for natural calls towards eastern
side of her house but she did not come back. The informant tried
to search out her but could not found. On 18.01.2016, one Deo



Narain Yadav informed him that he had seen Babita Kumari with this petitioner on a motorcycle. The informant further alleged that his daughter also talked with this petitioner on mobile so he apprehends that this petitioner has kidnapped his daughter for some ulterior motive.

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

Earlier bail application of the petitioner was rejected vide order dated 29.08.2016 passed in Cr. Misc. No. 26541 of 2016 taking into account that the victim has made specific allegation of commission of rape against the petitioner in her statement recorded under Section 164 Cr. P.C.

A report was called for from the court below regarding the stage of the present case. It has been reported that out of 11 prosecution witnesses, 06 prosecution witnesses have already been examined and trial is expected to be concluded within a period of six months.

Considering the stage of the case and nature of allegation, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Babubarahi P.S. Case No. 04 of 2016, corresponding to G.R. No. 02 of 2016, pending in the court of learned 1st Additional Sessions Judge, Madhubani.



Anyhow, the learned court below is directed to take all necessary steps to conclude the trial preferably within a period of six months from the date of receipt/production of copy of this order.

The District Magistrate, Madhubani and the Superintendent of Police, Madhubani, 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.

It would not out of place to mention here that in this regard earlier a similar direction was made to the District Magistrate, Madhubani and Superintendent of Police, Madhubani vide order dated 22.02.2017 passed in Cr. Misc. No. 4925 of 2017.

Let a copy of this order be communicated to the District Magistrate, Madhubani and the Superintendent of Police, Madhubani.

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(Sudhir Singh, J)

