

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40908 of 2018

Arising Out of PS.Case No. -47 Year- 2016 Thana -MAHILA P.S. District- SAHARSA

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1. Jay Kant Kumar, Son of Sri Nand Kumar Singh alias Bhuto Singh @
Nand Kishore Singh, Resident of Village Bahuarba, P.S. Salkhua, District-
Saharsa.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. Ramchandra Sahani

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 26-09-2018 Heard both sides.

The petitioner seeks bail in Special (POCSO) Case
No.24 of 2016, arising out of Saharsa Mahila P.S. Case
No.47/2016, registered under Sections 376, 323, 504 of the Indian
Penal Code and Section 4 of POCSO Act.

Learned counsel for the petitioner submits that the
prayer for bail of the petitioner was earlier rejected vide order
dated 18.04.2017 passed in Cr. Misc. No.12163 of 2017. It is
submitted that the petitioner is in jail since 06.01.2017 but the trial
has not yet been concluded.

A report was called for from the trial court regarding
the stage of trial and it appears that the Court of 1st Additional



Sessions Judge-cum-Special Judge, Saharsa has remained vacant and therefore, the trial could not be held. Charges have already been framed against the petitioner. There is allegation that the petitioner established physical relation with minor victim, who was pregnant on account of physical relation established by the petitioner.

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

The Trial Court is directed to hold the trial on day to day basis and conclude the same within 6 months from the date of receipt of this order.

The Superintendent of Police, Saharsa is also directed to ensure the attendance of the prosecution witnesses in the trial court in connection with Special (POCSO) Case No.24 of 2016, arising out of Saharsa Mahila P.S. Case No.47/2016, so that the trial must be concluded within 6 months. If the trial is not concluded within 6 months, the petitioner may renew his prayer for bail.

If the Superintendent of Police, Saharsa fails to ensure the attendance of the witnesses in the trial court, the trial court is directed to inform this court regarding non-production of



the prosecution witnesses.

Let a copy of this order be sent to the Trial court as well
as Superintendent of Police, Saharsa for information and needful.

(Prabhat Kumar Jha, J)

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