

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43097 of 2018

Arising Out of PS.Case No. -35 Year- 2016 Thana -MAGADH UNIVERSITY District- GAYA

Santosh Manjhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary

For the Opposite Party/s : Mr. Smt. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 05-09-2018 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for State.

Earlier, the bail prayer of the petitioner was twice rejected, taking note of allegation leveled against him and while rejecting the prayer for bail of the petitioner in Cr. Misc. No. 26390 of 2017 vide order dated 12.07.2017, this court directed the trial court to conclude the trial of the petitioner expeditiously and also the copy of aforesaid order was sent to Senior Superintendent of Police, Gaya with direction to him to ensure the presence of prosecution witnesses before the trial court and, furthermore, the trial court was directed to send a list of prosecution witnesses to Senior Superintendent of Police, Gaya mentioning their date of examination before the court.

However, the learned trial court vide letter no. 443 dated 02.08.2018 has reported that out of six charge-sheeted witnesses, five prosecution witnesses have already been examined



and only victim girl and one Dhobhi Manjhi have been left to be examined. The learned trial court has also reported that in spite of sending letter to Senior Superintendent of Police, Gaya, all the prosecution witnesses have not been produced before the trial court.

In view of the aforesaid circumstance, again, I am not inclined to release the petitioner on bail and, accordingly, his prayer for bail in connection with Magadh University P. S. Case No. 35 of 2016, pending in the court of Additional Sessions Judge 1st cum Special Judge (POCSO Act), Gaya stands rejected.

However, the Senior Superintendent of Police, Gaya is directed to look into the matter in person and ensure the presence of remaining prosecution witnesses of Magadh University P. S. Case No. 35 of 2016 and POCSO Case No. 23 of 2016 before Additional Sessions Judge-1st cum Special Judge, POCSO Act, Gaya within two weeks from the date of receipt/production of copy of this order and furthermore, the learned trial court shall conclude the trial of the petitioner within four months from the date of receipt/production of copy of this order.

(Hemant Kumar Srivastava, J)

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