

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21956 of 2019

Arising Out of PS. Case No.-22 Year-2017 Thana- MAHILA P.S. District- Siwan

Asharfi Chauhan Son of Amar Chauhan R/o village- Semra Khurd, P.S.-
Nautan, District- Siwan

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sachin Kumar, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 10-04-2019 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Section 376 of the Indian Penal Code
and Sections 6 and 8 of the POCSO Act.

Earlier, the prayer for bail of the petitioner was
rejected by this court vide order dated 19.07.2018 passed in Cr.
Misc. No. 43251 of 2018 but submission on behalf of the
petitioner is that the petitioner is in jail custody since
27.04.2018 but up till now, there is no progress in the trial of the
petitioner. It is further submitted that the statement of the victim
recorded under section 164 of the Indian Penal Code goes to
show that she was a consenting party and moreover, the victim



was found aged about 19 to 20 years in medical examination.

Regard being had to the facts and circumstances as well as submission of the parties, again I am not inclined to release the petitioner on bail, hence, his prayer for bail in connection with Siwan Mahila P. S. Case No. 22 of 2017 pending in the court of Additional Sessions Judge-1st, Siwan stands rejected.

However, the learned trial court is directed to expedite the trial of the petitioner and try to conclude the same as early as possible.

If the trial of the petitioner is not concluded within one year, the petitioner may renew his prayer for bail before the learned trial court itself.

(Hemant Kumar Srivastava, J)

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