

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49155 of 2019

Arising Out of PS. Case No.-216 Year-2018 Thana- KESARIA District- East Champaran

MADAN SAHANI @ MADAN SAHNI S/O Sudama Sahani Resident of
Village- Dhekahon, P.S.- Kesariya, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 28-08-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in POCSO Trial No.
95/2018, arising out of Kesariya P.S. Case No. 216/2018,
instituted for offence under Section(s) 377 of the Indian Penal
Code.

Earlier prayer for bail of petitioner was rejected by
this Court vide order dated 09.01.2019 passed in Cr. Misc. No.
73119/2018 with liberty to renew prayer for bail after six
months if no substantive progress is made in trial.

It is alleged in the written report that on the date of
occurrence informant was at his door. In the meantime his
villager Madan Sahani (petitioner) came and on the pretext of
providing Lalmi brought his son Chandan Kumar, who is seven



year old, towards Diyara area. When son of informant came to the house, he narrated that petitioner has committed unnatural offence with him.

Medical report of victim boy is available in para 52 of case diary.

Report from the court below about stage of trial has been received from which it appears that charge has been framed in this case on 13.12.2018, but not a single witness has been examined till date.

Considering the fact that there is direct allegation against this petitioner of committing unnatural offence with 7 year old boy, this Court is not inclined to grant bail to petitioner. Prayer for bail of petitioner is again rejected.

The trial court is directed to expedite the trial and make efforts to conclude the same within nine months from the date of receipt/production of copy of this order either by fixing the case on day to day basis or by giving short adjournment and send compliance report.

(Sanjay Priya, J)

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