

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4661 of 2018

Arising Out of PS. Case No.-125 Year-2017 Thana- BHAGWANPUR District- Bhabhua
(Kaimur)

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Santosh Kushwaha son of Rambachan Kolery, Resident of Village-
Bajardihawa, P.S. Bhagwanpur, District- Kaimur at Bhabua.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rajani Kant Pandey

For the Respondent/s : Mr.Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 09-01-2019 Heard the parties.

The appellant is seeking bail in connection with SC/ST
Reg. No.306 of 2017 arising out of Bhagwanpur P.S.Case
No.125 of 2017, registered for offences punishable under
Sections 366A, 504, 506/34 and Section 376D of the Indian
Penal Code, Section 6 of the POCSO Act and Section 3(i)(w),
3(ii)(w) of S.C./S.T. (Prevention of Atrocities) Act.

Earlier the prayer for bail of the appellant was rejected
vide order dated 17.11.2018 passed in Criminal Appeal (S.J.)
No.3029 of 2017.

Allegation against the appellant is of kidnapping and
committing rape and earlier the prayer for bail of the appellant
was rejected with observation that once the victim has been
examined in this case he is at liberty to move for grant of bail,
which will be considered by the learned Special Judge on the



basis of materials available at that time.

Submission of the learned counsel for the appellant is that one victim has not supported the prosecution case though another victim has supported the case but that does not appear to be probable and the appellant is in custody since 15.9.2017.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant bail to the appellant, hence this appeal is dismissed, however, in view of the fact that the petitioner is in custody for more than one year, the learned trial court is directed to conduct the trial on regular basis so as to conclude the same as early as possible. At the same time the S.P., Kaimur at Bhabhua is directed to get the witnesses produced in the court so that the trial may be concluded expeditiously.

Accordingly, this appeal is dismissed.

(Vinod Kumar Sinha, J)

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