

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12501 of 2020

Arising Out of PS. Case No.-299 Year-2016 Thana- GAURICHAK District- Patna

MONU KUMAR @ BHANU KUMAR Son of Vijanandan Paswan alias
Brijnandan Paswan, Resident of Raja Ram Rahua, P.S.- Masahari, Distt -
Muzaffarpur.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Digamber Kr. Singh, Advocate.
For the State : Mr. Bharat Lal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

7 09-11-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State, through Video Conferencing.

The petitioner seeks bail in connection with Special
Case No.28 of 2019, arising out of Gaurichak P.S. Case No.299
of 2016, registered under Sections 363, 366(A) and 376 of the
Indian Penal Code besides Section 6 of the POCSO Act.

The accusation is of enticing away the victim, the
minor daughter of the informant, by this petitioner and
committing rape on her by him in the house.

Learned counsel appearing on behalf of the petitioner
submits that, in fact, the victim, the minor daughter of the
informant, moved with the petitioner due to love affair but, later
on, after lodging of the present case, on the pressure of her



father (the informant), the victim gave her statement under Section 164 of the Code of Criminal Procedure about committing rape on her by this petitioner, after enticing her away. Further submission is that, earlier, the prayer of the petitioner for grant of bail was rejected by a Bench of this Court vide order dated 19.02.2018 passed in Criminal Misc. No.9646 of 2018 with a direction to the trial court to expedite the trial and, preferably, conclude the same within one year but, now, while the period of more than two years and 7 months has already elapsed of passing of the aforesaid order but the trial of the petitioner is still pending and uptill now, only the victim, who is not the charge-sheeted witness, has been examined in this case. The petitioner is in custody since 27.03.2017, i.e., for more than 3 years and seven months.

The perusal of the record of the case goes to show that the report regarding the present stage of the case, as called for vide order dated 30.06.2020 passed by this Court, has been received from the court of the Additional Sessions Judge-I-cum-Special Judge, POCSO, Patna, through letter no.234/20 dated 06.07.2020, which indicates that only the victim, who is not the charge-sheeted witness, has been examined in this case and the 7 charge-sheeted witnesses including the doctor and the I.O.



have yet to be examined in this case.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, POCSO-cum-Additional Sessions Judge-I, Patna, in connection with Special Case No.28 of 2019, arising out of Gaurichak P.S. Case No.299 of 2016.

(Rajendra Kumar Mishra, J)

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