

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9349 of 2020

Arising Out of PS. Case No.-11 Year-2018 Thana- DHAMDAHA District- Purnia

Babloo Mandal Son of Late- Anandi Mandal Resident of Village- Madrouni,
P.S.- Dhamdaha, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 25-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner has renewed the prayer for bail for the 3rd time, in a case registered for the offences punishable under Section 376 of the Indian Penal Code, 1860 and Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.

The prosecution case, as per the written report of Vijay Mandal submitted to Station House Officer, Dhamdaha, is to the effect that on 16.01.2018, the five year old daughter of the informant namely, 'X'(changed name) went to play outside but she did not return. Thereafter, in course of search, the informant



reached the house of co-villager, Babloo Mandal, the petitioner, and heard screaming sound of his daughter and found that his daughter was inside the house and locked in a room, thereafter, the informant knocked the door, upon which the petitioner fled away. The informant found bleeding from the private part of his daughter. The daughter of the informant conveyed to him that she has been ravished by the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 28.03.2018 and earlier, the prayer for bail of the petitioner was rejected twice, vide Cr. Misc. Nos. 54366 of 2018 and 34686 of 2019 and on both the occasions the petitioner was given liberty to renew the prayer for bail, if the trial does not get concluded.

Learned APP for the State submits that there is no new ground for renewing the prayer for bail and accusation is specific against the petitioner.

Considering the heinous nature of accusation of ravishing a five years old child and the report of learned 1st Additional District & Sessions Judge -cum- Special Judge (POCSO), Purnea dated 20.05.2020 that out of 7 charge sheeted witnesses, 5 witnesses have been examined and only doctor and I.O. are left to be examined and that the trial will be concluded



within two months after the lockdown is over, this Court is not inclined to revise the earlier orders.

Accordingly, the prayer for bail of the petitioner in connection with Special (POCSO) Case No. 06 of 2018, arising out of Dhamdaha P.S. Case No. 11 of 2018, pending in the Court of learned 1st Additional Sessions Judge -cum- Special Judge (POCSO Act), Purnea, is, hereby, rejected.

It is expected from learned trial Court to conclude the trial expeditiously. The S.P., Purnea is expected to get the I.O. and doctor produced on the date fixed.

However, if the trial does not get concluded within two months after resumption of the physical court proceedings, the petitioner will be at liberty to renew the prayer for bail.

(Dinesh Kumar Singh, J)

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