

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26201 of 2020**

Arising Out of PS. Case No.-335 Year-2013 Thana- GAIGHAT District- Muzaffarpur

SUNIL RAI Son of Late Parikshan Rai Resident of Village- Khajuri (Laxman Nagar), P.S.- Gaighat, District- Muzaffarpur. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Ms.Bela Singh, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 07-12-2020 Heard learned counsel for the petitioner and Mr. Pramod Kumar Pandey, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Trial No. 85 of 2018 arising out of Gaighat P.S. Case No. 335 of 2013 registered for the offences punishable under Sections 376/34 of the Indian Penal Code and Section 4, 7, 8, 10 of Protection of Children from Sexual Offences (POCSO) Act.

Earlier the prayer for regular bail of the petitioner has been rejected twice. This Court had called for the report from the learned trial court as to the present stage of the trial and time likely to be taken in conclusion thereof. From letter no. 305 dated 20th October, 2020 received from learned Additional District and Sessions Judge, VI-cum-Sub-Judge POCSO, Muzaffarpur it appears that the trial has already begun but because of the pandemic Covid-19 the trial is still pending at the stage of evidence. Learned trial court has informed that it may be concluded within 6 months after pandemic



Covid-19 if the prosecution assists the court properly.

Learned APP for the State submits that since the trial has already begun and now that the courts are opening both physically as well as virtually the learned trial court may conclude the trial within 6 months.

In the given facts and circumstances of the case where the trial has already begun, this Court is not inclined to grant bail to the petitioner.

Let the trial be conducted on day-to-day basis in the physical Court whenever the learned trial court is holding physical court and then the trial be concluded within 6 months from the date of receipt/production of a copy of this order. The trial court shall not give a long date and no adjournments shall be granted unless it is absolutely necessary for some cogent reason. The prosecution must assist the trial court in conclusion of trial within the aforesaid period.

In case the trial is not concluded within the six months' period for no reason attributable to the petitioner, the petitioner may renew his prayer for regular bail.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Rajeev

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

