

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27222 of 2020

Arising Out of PS. Case No.-78 Year-2019 Thana- BITHAN BAZAR District- Samastipur

Sunil Kumar @ Sunil Kumar Yadav aged about 22 years, Gender Male, Son
of Shobha Kant Yadav Resident of Bakhari, P.S. Bithan, District Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Keshav Shrivastava, Sr. Advocate

Mr. Bhubneshwar Prasad, Advocate

For the Opposite Party : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 23-11-2020 Heard learned senior counsel appearing on behalf of
the petitioner and learned counsel appearing on behalf of the
State.

The petitioner is in custody in connection with
Sessions Trial No. 147 of 2020 arising out of Bithan P.S. Case
No.78 of 2019 for the offence under Sections 363, 366(A) and
376 of the Indian Penal Code and Section 4 of the POCSO Act.

Initially, this case was lodged for the offence under
Sections 363 and 366(A) of the Indian Penal Code but the police
after investigation submitted charge sheet for the offence under
Sections 363, 366(A) and 376 of the Indian Penal Code and
Section 4 of the POCSO Act.

Learned senior counsel appearing on behalf of the
petitioner would submit that the petitioner has been falsely



made accused as would be evident from the deposition of the informant of the case and the statement of the victim under Section 164 of the Cr.P.C. He further submits that except for the doctor and the investigating officer, all the witnesses have been examined.

Considering the aforesaid facts and circumstances of the case, the Court is not inclined to grant bail to the petitioner. However, the court below is directed to conclude the trial on day-to-day basis and conclude the same within a period of four months from the date of receipt/ production of a copy of this order. If the trial is not concluded within the stipulated period, the court below is directed to release the petitioner on appropriate terms and conditions. The court below is under obligation to furnish reasons for not concluding the trial as per the observation made by this Court before Registrar (Vigilance) of this Court on administrative sides.

The application stands disposed of.

Let a copy of this order be communicated to the Registrar (Vigilance) of this Court for appropriate action.

(Anil Kumar Upadhyay, J)

BT/-

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

