

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27955 of 2020**

Arising Out of PS. Case No.-152 Year-2019 Thana- DEWARIA District- Muzaffarpur

JAGDISH SAHNI Son of Late Lal Bahadur Sahni Resident of Village-
Dharphari, P.S.- Deoria, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bakshi S.R.P. Sinha, Sr. Advocate

Mr.Kumari Vandana, Advocate

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

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

3 08-12-2020 Heard Mr. Bakshi S.R.P. Sinha, learned Senior
Counsel for the petitioner and Mr. Madan Kumar, learned APP
for the State.

The petitioner in the present case is seeking regular
bail in connection with Trial No. 64 of 2019 arising out of
Deoria P.S. Case No. 152 of 2019 registered for the offences
punishable under Sections 354A, 354B of the Indian Penal Code
and 4/8 POCSO Act.

Learned Senior Counsel for the petitioner submits that
as per the allegations in the First Information Report while the
victim girl was playing on the roadside this petitioner came,
gave her Rs.10/- and then by inducement took her to the Bathan
and made her naked. Allegation is that this petitioner had
indulged in indecent act with the victim girl who raised alarm



and thereafter the informant and others rushed and saved the victim girl.

Learned Senior Counsel submits that it is a case of false implication against the petitioner. The petitioner is aged about 74 years and the present case was lodged by his neighbour only in order to settle his score with the petitioner.

Learned Senior Counsel further submits that after some harassment now in course of trial the mother of the victim girl has appeared as PW-1 and she has been declared hostile. She has stated that nothing has happened with her daughter.

On the other hand, learned APP for the State submits that the trial in this case has begun and out of 6 chargesheeted witnesses, one witness has been examined, the examination of the victim girl, doctor and I.O. are still not done and the learned trial court has recorded these facts in the impugned order.

Having regard to the facts and circumstances of the case, wherein this Court has noticed that the allegation against the petitioner is that of inducing the victim girl and then indulging in some indecent act, however, the medical examination report present at Annexure '2' shows no any injury on the body of the victim girl, the trial has though begun but the victim girl is yet to be examined in course of trial, this Court is



not inclined to grant bail to the petitioner at this stage. This Court has noticed that the petitioner is aged about 74 years and the mother of the victim girl has declared hostile. She was examined on 4th March, 2020 and thereafter the trial has not progressed.

Since the trial court is now opening physically as well virtually, this Court would expect that the learned Special Judge, POCSO shall give priority to this case, fix the matter as and when physical Court seats and conduct the trial on day-to-day basis without granting any adjournment unless it becomes absolutely necessary. All endeavours should be made to conclude the trial within a period of 3 months from today.

The prosecution must cooperate in course of trial by producing witnesses on the date fixed in the matter.

In case the trial is not concluded within a period of 3 months from today, it will be open for the petitioner to renew his prayer for bail before this Court.

The application is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Rajeev

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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'.

