

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30457 of 2020**

Arising Out of PS. Case No.-168 Year-2019 Thana- HASPURA District- Aurangabad

PAPPU KUMAR @ GONGA @ GUNGA Son of Uday Ram Resident of
Village - Jaitpur, P.S. - Haspura, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Anand, Advocate

For the Opposite Party/s : Mr.Jainul Abedin, APP

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

2 23-11-2020 Learned counsel for the petitioner undertakes to remove

all the defects as pointed out by office within four weeks after start of

normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Jainul
Abedin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Haspura P.S. Case No. 168/2019 registered for the
offences punishable under Section 377 of the Indian Penal Code and
Section 4 of POCSO Act, pending in the court of learned 1st
Additional District & Sessions Judge – cum – Special Judge
(POCSO), Aurangabad.

Learned counsel for the petitioner submits that although
the allegation against the petitioner is under the provisions of
POCSO Act but in course of trial the victim boy has not turned up
and his parents who have turned up and deposed are not supporting
the prosecution case. Learned counsel submits that efforts were made



to get appearance of the victim boy but he is not being brought for deposition and for that reason the trial is pending. It is submitted that since during Covid-19 period the trial is not going to properly, the chances of it's conclusion in near future is very weak and considering this aspect of the matter this court may enlarge the petitioner on bail.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court finds that the victim is a five years old boy and he has yet not been examined, this Court is not inclined to enlarge the petitioner on bail.

Prayer for bail of the petitioner at this stage is refused.

This court however directs the learned Special Court (POCSO Court) to take all efforts to get appearance of the remaining witnesses in course of trial and conclude it as early as possible preferably within a period of four months from the date of receipt/production of a copy of this order.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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'.

