

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43968 of 2019

Arising Out of PS. Case No.-108 Year-2016 Thana- JANDAHA District- Vaishali

SURENDRA RAI Son of Baiju Rai @ Vaiju Rai Resident of Village- Mahua,
Mukundpur, (Panchmukhi Chowk), P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Prabhat, Adv

For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

8 24-08-2020 Heard learned counsel for the parties.

Earlier the bail of the petitioner was rejected vide order dated 01.02.2018 passed in Criminal Miscellaneous No. 954 of 2018.

Petitioner seeks bail in connection with **Jandaha P.S. Case No. 108 of 2016** registered for the offence punishable under Section 376 of the Indian Penal Code and Sections 4, 6, 8 and 10 of the POCSO Act.

Informant who is the father of victim girl Kanchan Kumari has stated in his written complaint that on 11.07.2016 he had gone to attend marriage ceremony along with his 10 years daughter and when Barati came and assembled he left his daughter in the car to keep watch on the ornaments kept in



Car and thereafter he became busy in marriage ceremony and at 2:00 PM when there was requirement of ornaments he came near his car but could not find the car parked there and thereafter on search he saw that petitioner who was the driver of the car (petitioner) sexually assaulting his daughter and after seeing him her daughter started crying that petitioner (driver) has committed rape with her and thereafter she became unconscious. The driver was caught with the help of villagers and disclosed his name as Surendra Rai. The medical report also confirms sexual assault on the victim Kanchan Kumari.

It has been submitted by learned counsel for the petitioner that charge has been framed on 24.08.2017 and out of 10 witnesses only three witnesses have been examined and there is no possibility of conclusion of the trial in near future. Petitioner is in custody since, 13.07.2016.

Report was called for from the trial court vide order dated 12.06.2020 as to the present stage of trial and time likely to be consumed in concluding the trial.

In compliance of the aforesaid order, report has been sent by Rakesh Kumar Mishra, Additional District & Sessions Judge-1st, Vaishali at Hajipur, in which he has stated that out



of ten witnesses, five witnesses, have been examined so far and NBW has been issued against rest non official witnesses and D.O. Letter has also been issued.

Considering the report of the trial court, I am not inclined to enlarge the petitioner on bail at this stage. Hence, the prayer for bail of the petitioner is hereby rejected.

However, trial court is directed to expedite the trial and conclude the same within a period of one year, and if the trial is not concluded within a period of one year, then petitioner would be at liberty to renew his prayer for bail.

(S. Kumar, J)

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