

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78290 of 2019

Arising Out of PS. Case No.-691 Year-2019 Thana- PATRAKARNAGAR District- Patna

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Anil Kumar Chaudhary @ Anil Kumar Chaurasiya @ Anil Kumar, aged about 52 years, Male, Son of Late Ram Sawarth Chaudhary, Resident of Utsav Pan Palace, Opposite Road No. 7, Kali Mandir Road, Hanuman Nagar, P.S.- Patrakar Nagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha

For the Opposite Party/s : Mr.Md. Mushtaque Alam

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

7 30-06-2020 Heard the learned counsel for the petitioner and Mr. Mushtaque Alam, the learned Additional P.P. through video conferencing.

The petitioner seeks bail in Patrakar Nagar P.S. Case No.691 of 2019, giving rise to Special Case No.170 of 2019, registered under Section 12 of the POCSO Act.

The informant alleged that on 02.09.2019, his minor daughter aged about five years went to the shop of the petitioner to purchase some article but the petitioner with intention to outrage her modesty caught her and got her seated in his lap. The petitioner is alleged to have touch the private parts of the body of the minor victim. When she raised alarm, the petitioner managed to flee away.

Learned counsel for the petitioner submits that the petitioner is in jail since 02.09.2019. The statement of the victim recorded under Section 164 Cr.P.C. is altogether different from the statement made in the FIR. It is further submitted that the



petitioner has already remained in jail for more than nine months but from perusal of the statement recorded under Section 164 Cr.P.C. of the victim, I find that the case is of very serious nature and the petitioner outraged the modesty of the minor victim.

Taking into consideration the facts, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within nine months from the date of receipt of this order.

The Senior Superintendent of Police, Patna is directed to ensure the attendance of the witnesses in the trial court so that the trial must be concluded within nine months.

If the trial is not concluded within nine months, the petitioner, if so advised, may renew his prayer for bail.

Let a copy of this order be sent to the Senior Superintendent of Police, Patna and the learned trial court for information and needful.

(Prabhat Kumar Jha, J)

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