

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78390 of 2019

Arising Out of PS. Case No.-867 Year-2019 Thana- BIHTA District- Patna

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BIRENDRA RAI Son of Late Ambika Rai R/o- Bharmchari- Shri Rampur
Tola, Tenant of Gopal Rai, P.S.- Maner, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Mr.Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 04-06-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner seeks bail in Bihta P.S. case No. 867/ 2019 registered under Section 377 of the Indian Penal Code and u/s 4/6 of POCSO Act.

The father of the victim made specific allegation that the petitioner committed unnatural offence with his minor son.

The learned counsel for the petitioner submits that during the course of trial the informant and the father of the informant were examined but they did not support the case of prosecution. The victim has not yet been examined. The petitioner is in custody since 14.09.2019 but I find that there is specific allegation against the petitioner that petitioner committed



unnatural offence with a minor boy.

Taking into consideration the facts aforesaid and the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within six months from the date of receipt of this order. If the trial is not concluded within six months, the petitioner, if so advised, may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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