

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 17860 of 2021

Arising Out of PS. Case No.-35 Year-2019 Thana- MAHILA P.S. District- Muzaffarpur

Heera Sahani @ Hira Sahani, aged about 31 years, Gender-Male, Son of Bashkit Sahni, Resident of Village-Chhajan Hari Shankar, PS-Kudhani, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Alok Kumar Alok, Advocate
For the State : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 25-08-2021

The matter has been heard via video conferencing.

2. Heard Dr. Alok Kumar Alok, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Mahila PS Case No. 35 of 2019 dated 02.06.2019, instituted under Sections 376, 323 and 341 of the Indian Penal Code and 4/6 of the Protection of Children from Sexual Offences Act, 2012.

4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by judgment and order dated 09.06.2020 passed in Cr. Misc. No. 8369 of 2020.



5. Learned counsel for the petitioner submitted that the merits of the case have been discussed in the previous order and, thus, he would pray that a report be called from the Court below with regard to the present status.

6. In view of the aforesaid stand of learned counsel for the petitioner on 04.08.2021, the Court had called for a report from the Court below with regard to the present status of the case and the likely time by which the trial could be concluded.

7. In terms thereof, a report has been submitted by the Additional District and Sessions Judge, 7th-cum-Special Court, POCSO, Muzaffarpur dated 19.08.2021, in which has been stated that the trial can be concluded within six months upon normal functioning of the Courts.

8. Having regard to the merits of the case, as has been noted by the Court in its earlier judgment and order dated 09.06.2020 passed in Cr. Misc. No. 8369 of 2020, by which the prayer for bail of the petitioner was rejected, the Court is not inclined to grant bail to the petitioner.

9. Accordingly, the petition stands dismissed.

10. However, since the process of normal functioning of the Courts below has been initiated, let the trial be expedited and concluded at the earliest and latest within nine months from today.



11. Registry shall communicate the order to the Court
below latest by tomorrow.

(Ahsanuddin Amanullah, J.)

P. Kumar

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