

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19528 of 2021**

Arising Out of PS. Case No.-46 Year-2019 Thana- MAHILA P.S. District- Muzaffarpur

PARSHANT GUPTA @ PRASHANT GUPTA @ PRASHANT KUMAR
SON OF MR. JAWAHAR LAL GUPTA Resident of Village - Barhaita Ganga
Ram, P.S.- Hathauri, Dist.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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

2 02-08-2021 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 learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain regular bail in connection with S.T. No. 59 of 2020 arising out of Mahila P.S. Case No. 46 of 2019 registered for the offences punishable under Sections 376(D), 323 and 34 of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offences (POCSO) Act.

Earlier the prayer for bail of the petitioner was rejected by a learned predecessor Bench of this Court vide order dated 17.03.2020 in Cr. Misc. No. 4762 of 2020.

Learned counsel for the petitioner submits that the petitioner is in custody in connection with this case since 31.07.2019

and till now out of eight charge-sheet witnesses only six have been examined.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein learned counsel for the petitioner has informed that till now out of eight charge-sheet witnesses six have already been examined and two formal witnesses are only left to be examined in course of trial, on finding that the prayer for bail of the petitioner was earlier rejected by a learned co-ordinate Bench of this Court in Cr. Misc. No. 4762 of 2020, this Court is not inclined to release the petitioner on bail. Let the trial be concluded expeditiously. The prosecution must produce all the formal witnesses on next date fixed in course of trial.

Learned trial court shall fix the case on a shorter date and all endeavours be made to conclude the trial within six months from the start of normal functioning of the court.

If the trial remains unconcluded for no reason attributable to the petitioner, he may renew his prayer for bail.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.