

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23723 of 2021

Arising Out of PS. Case No.-373 Year-2018 Thana- MAJHAULIA District- West Champaran

SUGAN MAHATO Son of Late Deonath mahto Resident of Village -
Ratanmala, P.S.- Majhauiliya, Distt.- Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 29-11-2021 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application for regular bail arises out of
Majhauiliya P.S. Case No. 373 of 2018, disclosing the offence
punishable under Sections 376 (Changed U/S 376D) of the
Indian Penal Code and 4/5(g) of POCSO Act.

Considering the nature of the accusation and the
statement of the victim recorded under Section 164 of Cr.P.C.,
this Court had earlier rejected petitioner's prayer for regular bail
by an order dated 13.10.2020 passed in Cr. Misc. No. 12817 of
2020 with an observation that the petitioner shall be at liberty to
renew his prayer for bail after examination of the victim at the
trial.



Learned counsel appearing on behalf of the petitioner has submitted that the victim has been examined at the trial and she has not identified the petitioner as perpetrator of the crime.

By an order dated 10.09.2021, a report was called for in this case as regards present stage of the trial and the tentative time within which trial could be concluded. Accordingly, a report dated 17.09.2021 has been received from the court below from which it appears that the trial is likely to conclude within 4 months from the said date.

Since the trial is at advanced stage, I am not inclined to entertain this application of prayer for bail. The petitioner shall, however, be at liberty to renew his prayer for bail after 4 months if, in the meanwhile, the trial does not conclude.

This application is accordingly rejected, with the aforesaid observation.

(Chakradhari Sharan Singh, J)

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