

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17718 of 2020

Arising Out of PS. Case No.-199 Year-2018 Thana- KATORIYA District- Banka

PAPPU YADAV, S/o Nawal Kishor Yadav, Resident of Village- Kaithatkar,
P.S.- Katoriya, Distt- Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-04-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Katoriya P.S. Case No. 199 of 2018 (G.R. No. 3583 of 2018) registered for the offences punishable under Section 376 of the Indian Penal Code and Section 4 of the POCSO Act, 2012.

Learned counsel for the petitioner submits that in this case the trial has already begun. The victim girl has been examined as P.W. 1 but she has not supported the prosecution case. The father of the victim girl has also been examined as P.W. 2 and he has also not supported the prosecution case, it is submitted that despite the fact that the two important prosecution witnesses have not supported the prosecution case, the petitioner is lying in custody.

On the other hand, learned A.P.P. for the State submits



that since the trial has already begun, it would not be appropriate to enlarge the petitioner on bail. Instead, it is submitted that this Court may direct the learned trial court to expedite the trial and conclude the same within a reasonable period.

Having regard to the facts and circumstances of the case, considering that the trial has already begun and some of the prosecution witnesses stand examined, this Court is not inclined to grant bail to the petitioner at this stage.

Let the trial be expedited and all endeavors be made to conclude the trial within a period of four months from today. The learned trial court shall fix the case on day to day basis and prosecution shall be obliged to bring the witnesses on the date fixed in the matter. The official witnesses shall also be produced and in this connection the Superintendent of Police, Banka shall ensure their appearance on the date fixed in the matter.

If the trial remains unconcluded for a period of four months for no reason attributable to the petitioner, he may renew his prayer for bail after four months.

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'.

