IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26588 of 2020

Arising Out of PS. Case No.-101 Year-2019 Thana- PHULWARISHARIF District- Patna

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Md. Arif , aged about 22 years, (Male), Son of Late Noor Hasan, Resident of Mohalla - Imam Colony, Police Station - Phulwarisharif, District - Patna.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Diwakar Yadav
For the Opposite Party/s : Mr. Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

4 18-01-2021 Heard Mr. Diwakar Yadav, learned counsel for the petitioner and Mr. Yogendra Kumar, learned counsel for the State.

Petitioner seeks regular bail in connection with Special Case No. 12 of 2019 (arising out of Phulwarisharif P.S. Case No. 101 of 2019) registered for the offence under Section 376 of the I.P.C. and Section 4 of the POCSO Act.

The allegation as per the First Information Report is that the petitioner committed rape upon the informant, who was aged about 16 years at the time of the occurrence.

Learned counsel for the petitioner submits that this is 2nd attempt for grant of bail on behalf of the petitioner inasmuch as earlier the bail application of the petitioner was rejected by this Court on 25.07.2019 vide Cr. Misc. No. 37566 of 2019 and direction was given to expedite the trial. Learned counsel further submits that petitioner is in custody since 29.01.2019.

This Court vide its order dated 10.11.2020 had called

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for a report from the lower court regarding the present stage of the trial and in pursuance thereof learned A.D.J. - I - cum- Spl. Judge, POCSO, Patna vide letter no. 267 dated 13.11.2020 has furnished the report and from perusal of the same it appears that all the witnesses have been examined and cross- examined in this case except the doctor. The report further states that the trial is likely to be concluded by December, 2020.

Having heard learned counsel for the parties and taking into consideration the materials available on record and the statement of the victim girl recorded under Section 164 of the Cr.P.C., I am not inclined to grant regular bail to the petitioner.

Accordingly, the same is rejected.

However, if the trial is not concluded within a period of three months from today, the petitioner may renew his prayer for regular bail thereafter.

The trial court is also directed to expedite the trial.

(Anil Kumar Sinha, J)

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