

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25425 of 2020

Arising Out of PS. Case No.-130 Year-2020 Thana- BAKHTIARPUR District- Saharsa

Sajan Kumar, aged about 29 years, M, Son of Sanjiv Kumar Singh R/o -
Bhotia, Balwahat, P.S.- Bakhtiarpur, Distt. - Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Amresh Kumar Sinha, Advocate
For the State	:	Mrs. Anita Kumari Singh, APP
For the Informant	:	Mr. Dhananjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 19-01-2021 Heard learned senior counsel appearing on behalf of
the petitioner, learned counsel appearing on behalf of the State
as well as learned counsel appearing on behalf of the informant.

The petitioner is in custody in connection with Case
No. Spl. POCSO 21 of 2020 arising out of Bakhtiarpur P.S.
Case No.130 of 2020 for the offence under Sections 376(c), 504,
506 and 34 and Sections 6, 8, 10 and 14(1)(2) of POCSO Act.

Learned senior counsel appearing on behalf of the
petitioner would submit that the petitioner has no criminal
antecedent. In fact, there is an inordinate delay in lodging the
first information report without explaining any reason. The
petitioner and the victim are the next door neighbour. Learned
counsel for the petitioner questioned the genesis of allegation in



the backdrop of inordinate delay in lodging the first information report.

On the other hand, learned counsel appearing on behalf of the informant vehemently opposes the prayer for bail. He submits that the prosecutrix has specifically named the petitioner in the statement recorded under Section 164 of the Cr.P.C.

Considering the rival submissions of learned counsel for the parties, the prayer for bail is rejected at this stage. However, the court below is directed to conclude the trial on day-to-day basis within a period of nine months from today.

Superintendent of Police, Saharsa is directed to take steps for examination of all the prosecution witnesses so that the trial is concluded within the time as indicated hereinabove. In the event, despite full cooperation by the petitioner, trial is not concluded within the time as indicated hereinabove, the court below shall release the petitioner on bail on appropriate terms and conditions. The court below is under obligation to furnish reasons for not following the observations made by this Court before Registrar (Vigilance) of this Court.

The application stands disposed of.

Let a copy of this order be communicated to the



Registrar (Vigilance) of this Court for appropriate action.

(Anil Kumar Upadhyay, J)

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