

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32446 of 2020

Arising Out of PS. Case No.-166 Year-2019 Thana- NIRMALI District- Supaul

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1. ROHIT KUMAR S/o Vimal Kamat Resident of Village-Jarauli, Police Station-Nirmali, District-Supaul.
 2. Manoj Kumar @ Manoj Kumar Kamat S/o Ram Prasad Kamat Resident of Village-Jarauli, Police Station-Nirmali, District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 09-02-2021 Heard Mr. Arun, learned Advocate for the petitioners and Mr. Md. Aslam Ansari, the learned APP for the State.

The petitioners seek bail in connection with POCSO Case No. 52 of 2019, arising out of Nirmali P.S. Case No. 166 of 2019 dated 06.10.2019 instituted for the offence under Sections 341, 323, 363, 376 and 34 of the Indian Penal Code and under Section 4/6 of the POCSO Act.

On 21.12.2020, a report was called for from the court below about the stage of the case. The report indicates that out of 10 prosecution witnesses, 5 have already been examined.

Learned counsel for the petitioners submits that



as on date, 6 prosecution witnesses have been examined. He further submits that all the other witnesses who are left to be examined are only official witnesses and the witnesses who have been examined have not identified the petitioners in the dock.

However, regard being had to the nature of accusation and the stage of the trial, I am not inclined to grant bail to the petitioners for the present.

Accordingly, the prayer for bail is rejected.

The trial court but is directed to conclude the trial positively within a period of six months. If there is no substantial progress in the case in the next four months, the petitioners would be entitled to approach the trial court for grant of bail and in that event the trial court shall record reasons for the tardy progress of the trial.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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