

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3486 of 2021**

Arising Out of PS. Case No.-757 Year-2019 Thana- BANKA District- Banka

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AMIT KUMAR, Son of Birendra Kumar Sah, Resident of Village - Karsani,
P.S.- Rajoun, District – Banka. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr.Md. Matloob Rab, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 28-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.
Matloob Rab, learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain bail

in connection with Banka (Barahat) P.S. Case No. 757 of 2019

registered for the offence punishable under Sections 366(A), 34 of

the Indian Penal Code and Section 8 of POCSO Act. The prayer

for bail was earlier rejected by the learned predecessor Bench of

this Court in Cr. Misc. No. 2550 of 2020 vide order dated

20.01.2020.

As per the prosecution story, the petitioner is said to be

a conspirator in the kidnapping of the two minor girls. They were

allegedly sold to some persons in the State of Uttar Pradesh and

were married to them. While rejecting the prayer for bail of the

petitioner, the submission of learned counsel for the petitioner that in their 164 Cr.P.C. statement the victim have not alleged commission of rape by this petitioner and that the petitioner is in custody since 28.10.2019 have been taken note of.

This Court has earlier called for a report from the learned trial court as to the present stage of trial and the time likely to be taken in conclusion thereof.

As per the trial court's report the charges have been framed in this case on 24.06.2020, the learned trial court has issued bailable warrants on all non official witnesses, summons to I.O. through the Superintendent of Police, Banka and Medical Officer through Civil Surgeon, Banka and as per the report a period of six months may be considered for completing the process making ready for disposal.

Learned counsel for the petitioner submits that in the present circumstance the trial is not likely to be concluded in near future.

Mr. Md. Matloob Rab, learned A.P.P. for the State has, however, opposed the prayer for regular bail of the petitioner as according to him the trial court is already proceeding with the trial and all necessary steps have been taken to conclude the trial within the period of six months.

Having considered the facts and circumstances of the

case, the nature of allegations and that earlier the prayer for bail of the petitioner was rejected on merit, this Court is not inclined to release the petitioner on bail at this stage. But at the same time, the Court would record that it is the duty of the prosecution to produce all the official and non official witnesses on the date fixed in the matter.

The Superintendent of Police, Banka and Civil Surgeon, Banka are expected to ensure appearance of the I.O. and the Medical Officer on the date fixed in the matter. At the same time the Superintendent of Police, Banka shall take immediate steps to execute the warrants against the non official witnesses.

Let the trial be concluded as early as possible preferably within a period of six months from the date of start of normal functioning of the court. If the trial remains unconcluded during the aforesaid period for no reason attributable to the petitioner, he may renew his prayer for bail. The trial court give a shorter date in the matter.

The 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'.