

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40892 of 2020

Arising Out of PS. Case No.-9 Year-2017 Thana- MIRGANJ District- Purnia

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Ajay Kumar Sharma son of Suresh Sharma Resident of Village- Kajra, P.S.-
Mirganj, District- Purnea Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 10-03-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Spl. (POCSO) Case no. 64 of 2017 (arising out of Mirganj P.S. Case no. 9 of 2017) registered under sections 363 and 366A of the Indian Penal Code and section 4 of the POCSO Act.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected on two occasions i.e. 7.5.2018 and 27.2.2020, orders of which are Annexure 2 series to this petition. It is submitted that the only allegation against the petitioner is that the girl was accompanied by the petitioner. Even in her statement under section 164, no allegation of rape has been levelled against this



petitioner. The petitioner is in custody since 21.12.2017 i.e. for more than 3 years and inspite of the observation of this Court in order dated 27.2.2020 to conclude the trial within 6 months, there is no chance of the trial coming to an end in the near future.

The application for bail is opposed by learned A.P.P for the State.

By order dated 10.2.2021 a report was called for from the learned Court below with respect to stage of the trial. As per the report received contained in letter no. 53/2021 dated 23.2.2021 five witnesses including the victim and the informant have been examined on behalf of the prosecution. Examination of doctor and the Investigating Officer remains for whom summons have been issued and the next date fixed in the case is 4.3.2021.

In view of the trial having proceeded and the nature of allegation, the Court is not inclined to enlarge the petitioner on bail and the same is rejected.

In the facts and circumstances of the case, it is directed that the Superintendent of Police, Purnea shall ensure the attendance of the doctor and the Investigating Officer of the case for their deposition as a witness on behalf of the



prosecution on the date fixed in the trial, in case they have not already been examined.

The learned trial Court shall proceed to conclude the trial within 3 months.

Let a copy of this order be communicated to the Superintendent of Police, Purnea.

(Partha Sarthy, J)

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