

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9502 of 2021

Arising Out of PS. Case No.-28 Year-2017 Thana- MAHILA P.S. District- Nawada

ANIL SINGH @ ANIL KUMAR, aged about 35 years (Male), Son of Rajo Singh @ Rajendra Singh, Resident of Village-Daulatpur, Police Station - Warsaliganj, District - Nawadah.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bipin Kumar, Advocate.
For the Opposite Party : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-09-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned counsel for the State through Virtual mode.

The petitioner is languishing in custody since 28.03.2018 in connection with Nawada Mahila P.S. Case No. 28 of 2017 registered for the offence under Sections 376, 504 of the I.P.C. and Section 6 of the POCSO Act.

The prosecution story, in brief, is that on 02.06.2017, Priya Kumari 14 years old, was sitting with her mother in her house and at 12.00 hour her neighbourer Anil Singh (petitioner) called Priya Kumari to his house and she went there and after



sometime, the informant heard the shouting of her daughter and when she went she saw that Anil Singh (petitioner) has made her daughter naked and he was also naked and on shouting of the informant, Anil Singh (petitioner) misbehaved with her and he fled away. The daughter of the informant told that Anil Singh (petitioner) was doing wrong on making her naked.

This is fourth attempt on behalf of the petitioner for grant of bail.

Earlier the anticipatory bail application of the petitioner was rejected vide Cr. Misc. No. 52418 of 2017 under order dated 21.12.2017 by the then another Co-ordinate Bench of this Court and regular bail applications of the petitioner were rejected vide Cr. Misc. No. 39060 of 2018 under order dated 13.09.2018 and Cr. Misc. No. 49366 of 2019 under order dated 18.12.2019 by a Bench of this Court, annexed as Annexures-1, 1/A and 1/B respectively to the present application, taking into account that the medical report has supported the allegation made in the F.I.R. The case is related to offence under Sections 376/511 of the I.P.C. and Section 6 of the POSCO Act.

A report was called for from the learned court below regarding the present stage of the case. It has been reported that out of 10 prosecution witnesses, 02 prosecution witnesses have



already been examined.

Considering the nature of accusation and the stage of case, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Special (P) Case No. 18 of 2017, (arising out of Nawadah Mahila P.S. Case No. 28 of 2017), pending in the court of learned Ist Additional Sessions Judge, Nawadah.

The court below is directed to take all necessary steps to conclude the trial preferably within a period of nine months from the date of receipt/production of copy of this order.

The District Magistrate, Nawadah and the Superintendent of Police, Nawadah, are also directed to ensure that the prosecution witnesses are produced on the fixed date in the court below so that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, Nawadah and the Superintendent of Police, Nawadah.

(Sudhir Singh, J)

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