

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6447 of 2021

Arising Out of PS. Case No.-204 Year-2015 Thana- SURYAGARHA District- Lakhisarai

MD GUDDU @ GUDDU ANSARI Son of Md. Babu Ansari @ Babu
Resident of Village - Gottaiya Bagh, P.S.- Lakhimpur, Distt.- Kheri (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 08-03-2021 Heard the learned counsel for the petitioner,
and the learned APP for the State, Ms. Anita Kumari
Singh.

The petitioner seeks regular bail in connection
with Surajgarha (Manikpur) P.S.Case No. 204 of
2015, registered for the offence punishable under
Sections 366(A)/34 of the Indian Penal Code.

The petitioner is alleged to have committed
rape with the victim girl.

The learned counsel for the petitioner has
submitted that the earlier petition filed by the
petitioner for grant of bail was dismissed as
withdrawn by this Court, by an order dated



06.07.2018 passed in Criminal Miscellaneous No. 26338 of 2018, however, with an observation that in case, the trial is not completed within a period of nine months, the petitioner would be at liberty to approach this Court again for grant of regular bail. It is submitted that the petitioner is languishing in custody since 10.11.2015 i.e. since more than a period of five years.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and perused the letter of the I/C Additional Sessions Judge VI-cum-Special Judge, POCSO, Lakhisarai wherein it has been stated that three witnesses have been examined, however, remaining prosecution witnesses are yet to be examined. It has also been submitted that on account of Covid19 Pandemic, the trial has been hampered and moreover, the learned court of Additional Sessions Judge-1, Lakhisarai, is vacant since 30.09.2020, on account of transfer of the Presiding Officer. It has also been stated in the said



letter that at present also, the concerned court, conducting the aforesaid trial, is vacant, hence, it appears that there is no possibility of conclusion of the trial in near future.

In such view of the matter, this Court finds that the petitioner cannot be kept behind bars in perpetuity without the possibility of completion of the trial being in sight, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge I, Lakhisarai in connection with Sessions Trial No. 116/17 arising out of Surajgarha (Manikpur) P.S.Case No. 204 of 2015.

(Mohit Kumar Shah, J)

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