

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6301 of 2021**

Arising Out of PS. Case No.-116 Year-2017 Thana- SURSAND District- Sitamarhi

NURAIN ANSARI @ Md. Nurain Ansari, Son of Md. Basiir Ansari @ Vasir Ansari, Resident of Village - Barahi, P.S.- Parihar, Distt.- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Beshweshwar Ram, A.P.P.

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

4 03-08-2021 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. Bishweshwar Ram, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Sessions Trial No. 118 of 2018 arising out of Sursand P.S. Case No. 116 of 2017 registered for the offence punishable under Section 363, 366(A), 506, 504 and 34 of the Indian Penal Code.

The prosecution case as per the written report of Md. Sattar Rain dated 25.04.2017, submitted to the S.H.O., Sursand Police Station is to the effect that on 21.04.2017, at about 7

P.M., the daughter of the informant, namely Tabassum @ Raani went to attend a marriage ceremony but she did not return by 9 P.M. It is alleged that the petitioner rang upon the mobile of the son of the informant claiming that he has kidnapped the daughter of the informant and when the informant went to the family of the petitioner then they abused the informant.

Learned counsel for the petitioner submits that for the occurrence of 21.04.2017, the FIR was registered on 25.04.2017. In fact that there was love affair between the petitioner and the victim and in that background, the accusation has been levelled.

Mr. Bishweshwar Ram, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case and the trial court's report saying that fresh charges have been framed against the petitioner and beside two Doctors, six chargesheet witnesses are to be examined and for this purpose at least three months period is required to conclude the trial, this Court is not inclined to release the petitioner on bail at this stage.

Let the trial be expedited.

This Court has noticed that earlier a learned coordinate Bench of this Court while rejecting the prayer for bail of the petitioner had given liberty to the petitioner to renew his prayer for bail if the trial is not concluded within six months. Since then more than two years have gone but it appears that after examination of six witnesses the case has been transferred to the learned POCSO court where fresh charges have been framed, this Court is of the opinion that the trial court must give utmost priority to the present case and the case should be fixed on 'day to day' basis. Since the summons have been issued for appearance of the witnesses the prosecution is expected to produce the witnesses within the aforesaid period of three months from the date of start of normal functioning of the court, failing which the petitioner shall be at liberty to renew his prayer for bail.

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'.