

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78931 of 2019

Arising Out of PS. Case No.-158 Year-2015 Thana- MAHILA P.S. District- Siwan

Munna Sah Son of Jagdish Sah R/o Village- Pakari Bangali, P.S.- Mahadewa
(O.P.), District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 06-04-2021 Heard learned counsel for the petitioner and
learned A.P.P for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with POCSO Trial no.21 of 2019 arising out of Siwan Mahila P.S. Case no. 158 of 2015 registered under sections 376, 323, 511, 504 and 506 of the Indian Penal Code and sections 6 and 8 of the POCSO Act.

At the outset it is submitted by learned counsel for the petitioner that on merits, by order dated 11.2.2016 passed in Cr.Misc. no.4694 of 2016 the petitioner had been enlarged on bail. However as he had gone out of State to earn his livelihood, due to miscommunication and lack of *Pairvi*, the bail bond of the petitioner was cancelled on 20.9.2016, he was arrested on 11.11.2019 and has remained in custody for more than one year



and five months.

By order dated 9.3.2021 a report with respect to the stage of trial had been called for which has been received. As per the report contained in letter dated 26.3.2021 it has been stated that two prosecution witnesses out four independent witnesses have been examined and two independent witnesses and two official witnesses remain to be examined. It has further been stated that the trial is expected to conclude within a period of two months.

Having heard learned counsel for the parties and taking into consideration the fact that even after cancellation of bail of the petitioner on 20.9.2016, the petitioner remained absconding for more than 3 years till he was arrested, this Court is not inclined to enlarge the petitioner on bail. The application for bail is rejected.

Learned trial Court is directed to expeditiously conclude the trial within the time as mentioned in the letter dated 26.3.2021. The Superintendent of Police, Siwan will ensure the production of the official witnesses in the trial.

Let a copy of this order be communicated to the learned trial Court as also to the Superintendent of Police, Siwan.



In case the trial is not concluded within a period of six months for no fault of the petitioner, the petitioner shall be at liberty to renew his prayer for bail.

(Partha Sarthy, J)

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