

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6826 of 2022

Arising Out of PS. Case No.-8 Year-2019 Thana- MAHILA P.S. District- Banka

BHUSHAN KUMAR YADAV Son of Gangadhar Yadav Resident of Village-
Kumarkhal, P.S.- Amarpur, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 23-03-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Mahila Police Station Case No. 08 of 2019, registered for the offences punishable under Sections 376/341/323/504/34 of the Indian Penal Code, Section 4 of the Prevention of Children from Sexual Offences Act, 2012 and Section 3 (i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

This is the second attempt on behalf of the petitioner for grant of regular bail. Earlier, the prayer for regular bail of the petitioner was rejected by this Court, vide order, dated 11.01.2021, passed in Criminal Appeal No. 1693 of 2020, giving liberty to the petitioner to renew his prayer for bail after one



year from the date of the order.

The prosecution case, as per the First Information Report, is that the petitioner committed rape upon the minor daughter of the informant.

Learned Counsel for the petitioner submits that the petitioner has renewed his prayer for bail, as observed by this Court in the order dated 11.01.2021. He further submits that the petitioner is in custody since 13.02.2020 and the trial has not concluded as yet.

This Court, vide order, dated 16.02.2022, had called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report has been submitted by learned Incharge Additional Sessions Judge VI-cum- Special Judge (POCSO), Banka, and from perusal of the same, it would be evident that charges have already been framed and summonses were issued to the prosecution witnesses and the trial is likely to be concluded within eight to ten months.

After having heard learned Counsel for the parties and taking into consideration the report of learned Incharge Additional Sessions Judge VI -cum- Special Judge (POCSO), Banka and the fact that the prayer for bail of the petitioner was earlier rejected on its own merits, I am not inclined to grant



regular bail to the petitioner, at this stage.

This application is, accordingly, dismissed.

However, the petitioner will be at liberty to renew his prayer for bail after nine months from today, if the trial is not concluded within that period.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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