

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8147 of 2022

Arising Out of PS. Case No.-39 Year-2020 Thana- SAKRA District- Muzaffarpur

SHIVJEE RAI Son of Dahaur Rai Resident of Village - Baji Bujurg, P.s.-
Sakra, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 30-03-2022 Heard Mr. Alok Kumar Alok, learned counsel for the
petitioner and Ms. Nirmala Kumari, learned APP for the State.

Petitioner has renewed his prayer for bail inasmuch
as earlier bail application of the petitioner was dismissed on
merit *vide* order dated 06.01.2021 passed in Cr. Misc. No.
27780/2020.

As per First Information Report, the petitioner tried to
commit rape upon seven years old minor grand daughter of the
informant.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case due to dispute
between the parties inasmuch as the petitioner is a neighbour of
the informant. He next submits that the petitioner is 55 years of
age having three daughters and two sons.

This Court *vide* order dated 23.02.2022 had called for
a report from the court of learned Special Judge, POCSO-cum-



ADJ 1st, Muzaffarpur regarding stage of the trial and in pursuance thereof, the report *vide* Letter No. 92/2021 dated 11.03.2022 has been received and from perusal of the same, it would be evident that out of six charge-sheet witnesses, four witnesses have been examined and cross-examined and two witnesses i.e., doctor and I.O are yet to be examined. The report further reveals that name of the victim does not figure in the column of witnesses and the trial of this case may be concluded within six months if the prosecution and defence co-operates the court properly.

In view of the fact that the earlier bail application of the petitioner was rejected on its merit and the report of the trial court states that this case may be concluded within six months, I see no reason to grant bail to the petitioner at this stage. Accordingly, the same is dismissed.

However, petitioner, if so advised, may renew his prayer for bail after six months from today if the trial does not register any progress.

(Anil Kumar Sinha, J)

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