

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9194 of 2022**

Arising Out of PS. Case No.-280 Year-2020 Thana- KONCH District- Gaya

CHANDAN YADAV @ CHANDAN KUMAR SON OF VIJAY YADAV R/O
VILLAGE- GARARI, P.S.- KONCH, DISTRICT- GAYA

... .. Petitioner/s

Versus

1. The State of Bihar
2. MANORAMA DEVI W/O- NAGESHWAR BHUSHAN R/O VILLAGE-
GARARI TOLA, BALWA PAR, P.S.- KONCH, DISTRICT- GAYA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur, Advocate
For the Opposite Party/s	:	Mr. Usha Kumari 1, Spl.P.P.
For the O.P. no. 2	:	Mr. Arya Achint. Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 13-07-2022

Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of regular bail in a case registered under sections 376B of the Indian Penal Code, sections 4 and 8 of the POCSO Act and sections 3(1)(r)(s)(w) of the SC and ST (Prevention of Atrocities) Act.

The allegations against the petitioner and others is of having committed rape on the 16 year old daughter of the informant.

It is submitted by learned counsel for the petitioner that he has been falsely implicated in the case. His earlier application for bail was rejected vide order dated 13.7.2021 (Annexure-1) giving liberty to the petitioner to renew his prayer for bail after six months in case there is no progress in the trial. It is submitted that charge was framed on 24.3.2022. Out of the 12 witnesses cited in the



chargesheet, inspite of one year having passed since passing of the order of rejection, not a single witness has been examined in the learned trial court. There is no chance of the trial concluding in the near future. The petitioner undertakes to cooperate in the trial.

The application for bail is opposed by learned APP for the State and learned counsel for the opposite party no. 2.

A report was called for from the learned trial Court. As per the report received contained in letter dated 3.3.2022 of the learned 7th Addl. District and Sessions Judge, Gaya, the trial is being delayed due to non appearance of two co-accused in the case, one of them not having appeared in spite of rejection of his application for anticipatory bail on 23.7.2021.

Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner together with the contents of the report received from the learned trial court, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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