

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22794 of 2022

Arising Out of PS. Case No.-4 Year-2021 Thana- BAKHTIYARPUR District- Patna

Sanjay Kumar Son of Kamleshwar Chourasiya Resident of Village -
Hakikatpur, P.S.- Bakhtiyarpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayank Bilochan, Adv.

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 06-09-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Spl. (POCSO) P.S. Case No. 04 of 2021 lodged under Sections
354(c)/376/511 of the I.P.C. read with Sections 8 & 12 of the
Prevention of Child from Sexual Offences, Act.

As per the allegation made in the F.I.R., the informant
has made allegation that the accused person has taken attempt to
commit sexual harassment upon the child of the informant aged
about 8 years. Entering in his house on the basis of which the
present case has been filed under the provisions of I.P.C. and
POCSO Act. Learned counsel for the petitioner submits that the

allegation of sexual harassment upon a minor child is there in the present case. From the allegation made in the F.I.R., it transpires that Section 8 is not attracted in this case rather Section 12 is attracted. He submits that the maximum punishment for offence under Section 12 is extended up to 3 years with fine. Learned counsel for the petitioner submits that the petitioner is in custody since 03.04.2021, charge-sheet has already been filed in this case and the petitioner's antecedent is clean. Learned counsel further submits that Section 35(2) of the POCSO Act categorically states that Special Court shall complete the trial within the period of one year from the date of taking cognizance of the offence. He submits that in the present case, the cognizance has been taken on 02.11.2021, one year shall be completed on 03.11.2022.

Learned counsel for the State opposes the prayer for bail and submits that there is every likelihood that within the stipulated period of time, the trial shall be completed. Therefore, in compliance of the legislative directions made in Section 35(2), he may not be released at least for one year.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present and, therefore, his bail application is

hereby rejected. But liberty is hereby granted that he shall renew his prayed for bail after 03.11.2022 afresh if trial has not been concluded.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J)

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