

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37580 of 2021

Arising Out of PS. Case No.-71 Year-2017 Thana- CHANAN District- Lakhisarai

Mirtunjay Kumar @ Bhatti Son Of Kameshwar Yadav Resident of Village -
Lakhochak, P.S.- Chanan, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate.

For the Opposite Party/s : Mr. Binod Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-06-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Mrigendra Kumar, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

Earlier by considering the gravity of the accusation
the bail application of the petitioner was rejected vide order
dated 16.07.2018 in Cr. Misc. No. 27630 of 2018 by learned co-
ordinate Bench of this Hon'ble Court. The petitioner has
renewed his prayer for bail by filing the present application on
the ground that other co-accused person, namely, Dharmbir
Yadav @ Dharmbir Kumar has been granted bail in Cr. Misc.



No. 4628 of 2018. On the last occasion vide order dated 13.12.2021, the current stage of the trial was called for. From perusal of the present status report, it appears that the charge has already been framed on 04.04.2018 against the co-accused persons including this petitioner but till date only five prosecution witnesses among seventeen charge-sheeted witnesses have been examined. It is also transpired from the report that the bail bond of accused Dharmbir Yadav @ Dharmbir Kumar had already cancelled on 06.03.2020 on account of his non-appearance and a non-bailable warrant was issued against him on 07.01.2021 but neither accused has been produced nor execution report has been submitted before the trial court till date.

It has been submitted by the learned counsel for the petitioner that this petitioner is in custody since 22.06.2017 and in fact, more than five years have been elapsed but till date the trial has not been concluded, apart from that other co-accused persons have been absconding and the witnesses are not produced.

Having considered the submissions made on behalf of the parties and taking into account the nature of allegation against this petitioner, this court directs the learned District and



Sessions Judge-cum-Special Judge POCSO, Lakhisarai to proceed with the trial by splitting up the case of the petitioner and take all endeavour to conclude the trial of the petitioner preferably within the period of six months in the light of the mandate of provisions prescribed under Section 35 (2) of the Protection of Children from Sexual Offences Act.

In case, the trial is not concluded within the aforesaid period, the petitioner will be at liberty to renew his prayer for bail.

(Harish Kumar, J)

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