

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39473 of 2021

Arising Out of PS. Case No.-131 Year-2017 Thana- DIGHA District- Patna

MANOJ KUMAR S/o Ravindra Pandit Resident of Village- Ramji Chak,
Brahmsthan Gali, P.S.- Digha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Pandit, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

04 03-03-2022

Heard learned counsel for the parties.

The petitioner has renewed his prayer for bail in connection with the case registered under sections 376D and 366(a) of the Indian Penal Code and sections 4 and 6 of the POCSO Act.

As per the prosecution case, the petitioner who was known to the victim- informant accompanied her to Danapur from where she was taken on the motorcycle by the coaccused where the minor victim was raped by both the accused.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 18.1.2018 passed in Cr. Misc. no. 60417 of 2017 and again by order dated 13.2.2020 passed in Cr. Misc. no.78737 of 2019. The petitioner has remained in custody since



24.5.2017 and there is no progress in the learned trial Court.

A report was called for from the learned trial Court with respect to the progress in the trial. As per the report received contained in letter dated 21.2.2020 of the Additional District and Sessions Judge-VI-cum-Special Judge POCSO Act, Patna, the main victim in the case has been examined and the brother of the victim was also examined by the prosecution on 6.2.2020. However, the defence did not cross examine the said witness rather prayed that the accused will prefer a revision before the Patna High Court, however no petition was brought before the Court to show that the revision was filed or not. The report further states that the witnesses are present before the Court however the jail authorities of Beur, Patna have shifted the accused to Samastipur Jail. The Jail authorities have been directed to produce the accused before the Court so that the trial may be concluded. It is further stated that in the report other witnesses are also present but they could not be examined due to non production of the accused.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the allegation against the petitioner together with the contents of the report received from the



learned Court below, the Court is not inclined to enlarge the petitioner on bail. The application is rejected.

Let a copy of this order be communicated to the Senior Superintendent of Police, Patna for taking necessary steps in the matter and to ensure presence of the accused in the Court on the date in the trial.

(Partha Sarthy, J)

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