

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43007 of 2021

Arising Out of PS. Case No.-185 Year-2020 Thana- MUNGER MUFFASIL District- Munger

PIYUSH YADAV S/o Bhutto Yadav R/o village- Murlipahari (Kataria), P.S.-
Muffasil, Distt.- Munger

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan, Advocate
For the Opposite Party/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 22-03-2022 A supplementary affidavit is filed on behalf of the
petitioner in Court. The same is taken on record.

Heard learned counsel for the petitioner and learned
Special P.P appearing for the State.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 376, 511 and
34 of the Indian Penal Code, sections 6 and 8 of the POCSO Act
and sections 3(1)(r)(w) and 3(2)(va) of the SC and ST
(Prevention of Atrocities) Act, 1989.

As per the prosecution case, it is stated that the
petitioner made an attempt to ravish the minor informant. On
her raising *hulla* and her parents coming out of the house on
hearing the *hulla*, the accused escaped.

It is submitted by learned counsel for the petitioner



that the petitioner has been falsely implicated in the case due to village politics. The manner and time of occurrence as described in the FIR raises serious doubts about the occurrence having taken place in the manner alleged. The petitioner is in custody since 12.8.2020 and has cooperated in the case/trial. It is further submitted that the trial in the learned court below commenced and three witnesses on behalf of the prosecution which includes the victim and two other co-villagers have been examined and they did not support the prosecution case. Referring to the deposition of the victim which has been brought on record as Annexure to the supplementary affidavit, it is submitted that the victim has not supported the prosecution case and the other two witnesses have turned hostile. Three witnesses still remain to be examined on behalf of the prosecution, however, as there is no chance of the trial ending in the conviction of the petitioner it is submitted that the petitioner having remained in custody for over 1 year 7 months, he be enlarged on bail. He undertakes to cooperate in the trial.

Heard learned Spl.P.P. for the State.

Having heard learned counsel for the parties and from the materials on record it transpires that only three official witnesses ie the Investigating Officer, doctor and the lady



constable remain to be examined on behalf of the prosecution in the trial.

Taking into consideration the allegations in the FIR and the materials on record, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

In view of the fact that only official witnesses remain to be examined, the Superintendent of Police, Munger is directed to ensure the presence of the official witnesses in the trial on each day without any delay and the learned trial court is directed to conclude the trial within the period of four months from the date of receipt / communication of this order.

(Partha Sarthy, J)

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