

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45220 of 2021

Arising Out of PS. Case No.-387 Year-2019 Thana- SITAMARHI District- Sitamarhi

Md. Chhote Rain @ Md. Chhote Raeen, S/O Md. Tahir Rain, R/O Village-
Bhup Bhairo (Bhairo Kothi), Ward No.1, P.S. And District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 03-02-2022 Heard the learned counsel appearing for the applicant/accused in the case relating to rape on minor female child aged about 14 years. The charge sheet is filed for the offence punishable under Section 376 of the Indian Penal Code as well as Section 4 of the POCSO Act.

The learned counsel for the applicant argued that despite direction of this Court to conclude the trial in nine months, the same is not concluded and therefore under directions of the coordinate Bench of this Court vide order dated 01.07.2020 passed in Criminal Misc. No. 83905 of 2019, the present bail application is being moved.

Only because the trial is not concluded in nine months, the bail cannot be granted as a matter of facts. The subject crime is that of penetrative sexual assault on a female



child aged about 14 years. Order of the learned Lower Court rejecting the bail application shows that because of the accident of the Investigating Officer which has resulted in his inability to attend the court, the trial could not be completed. No case for grant of bail to the applicant/accused is made out. Accordingly, the application stands rejected.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

However the learned trial court to expedite the trial and to conclude it as early as possible preferably within a period of six months.

Bhardwaj/-

(A. M. Badar, J)

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