

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45680 of 2021**

Arising Out of PS. Case No.-298 Year-2020 Thana- MADHAURAH District- Saran

Mannu Kumar @ Manu Kumar S/O Surendra Raut R/O Village- Bikrampur,
P.S.- Marhowrah, District- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anant Kumar Bhaskar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 31-03-2022 Heard learned counsel for the petitioner and Mr.
Sanjay Kumar Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with POCSO Case No. 21 of 2021 arising out of Marhowrah P.S. Case No. 298 of 2020 registered for the offences punishable under Sections 376(D) of the Indian Penal Code and Section 67(A)(C) of the Information Technology Act, 2008. He is in custody since 16.04.2020. The petitioner has no criminal antecedent.

The First Information Report has been lodged by the victim after about 4 days of the alleged occurrence giving the specific name of the accused persons who had allegedly committed rape upon her. She has stated her age as 18 years.

This petitioner is not named in the FIR but in her restatement recorded one day after lodging of the FIR, she has



taken the name of this petitioner. Learned counsel for the petitioner had earlier submitted before this Court that one of the FIR named accused is Mannu Kumar aged 19 years son of late Mahesh Sah, in course of investigation the name of the petitioner has been stated whose name is identical but his father's name is Surendra Raut.

Considering this aspect of the matter, this Court had called for a report from the Superintendent of Police, Saran at Chapra. In his report, the Superintendent of Police, Saran has informed this Court that the name of the accused Mannu Kumar son of Mahesh Sah is correct. Apparently, the report of the Superintendent of Police, Saran is only half-hearted report. The FIR states the name of the accused as Mannu Kumar son of Mahesh Sah whereas the name of this petitioner is Mannu Kumar son of Surendra Raut. No light has been thrown on this aspect of the matter.

Be that as it may, this Court has been informed at this stage that the trial has already begun in this case and 3 witnesses out of 6 chargesheet witnesses have been examined. The materials which have come in course of trial are not before this Court.

Considering that the trial has already proceeded and



only 3 chargesheet witnesses have remained to be examined, this Court is not inclined to release the petitioner on bail at this stage.

Let the trial court proceed with the trial as expeditiously as possible by keeping the records on shorter dates and all endeavours be made to conclude the trial preferably within a period of 4 months from the date of communication of this order.

The prosecution shall produce all the witnesses and the Superintendent of Police, Saran at Chapra shall ensure that the I.O. and the doctor who are official witnesses must attend the trial court on the date fixed. Necessary instruction in this regard be issued forthwith.

If the trial still remains unconcluded for no reason attributable to the petitioner, the petitioner may renew his prayer for bail in the learned court below itself.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

