

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.54690 of 2021**

Arising Out of PS. Case No.-125 Year-2019 Thana- AURAI District- Muzaffarpur

Nitesh Manjhi, Son of Bilash Manjhi @ Vilash Manjhi, R/O Village- Chahuta
@ Chihuta, P.S.- Aurai, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Ms.Madhuri Lata, A.P.P.

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

4 19-01-2022 Learned counsel for the petitioner undertakes to remove the defects as pointed out by the Stamp Reporter within four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr. Ms.Madhuri Lata, learned APP for the State.

This is the second attempt of the petitioner to obtain bail in connection with Aurai P.S. Case No. 125 of 2019 registered for the offences punishable under Section 354(B) of the Indian Penal Code and Section 8 of the POCSO Act.

Earlier while rejecting Cr. Misc. No. 29224 of 2020 vide order dated 05.02.2021, this Court having noticed that the case is fixed for evidence did not feel inclined to enlarge the petitioner on bail. An observation was made in the previous



order that as per the learned trial court's report the trial will be concluded within six months if the prosecution assist the court properly, therefore, in case the trial is not concluded within a period of six months for no reason attributable to the petitioner, he may renew his prayer for bail.

Learned counsel for the petitioner submits that despite the aforesaid observation when the trial has not been concluded within the aforesaid period of six months the petitioner has moved this Court by renewing his prayer for bail.

Ms. Madhuri Lata, learned A.P.P. for the State is present and has opposed the prayer for bail of the petitioner.

This Court had called for a report from the learned trial court as to the present stage of the trial. The report of the learned trial court shows that the petitioner is not cooperating in course of trial. Four witnesses have been examined on behalf of the prosecution but none of the witnesses were cross-examined by learned counsel for the accused-petitioner. On 09.03.2021 while one of the witnesses appeared on behalf of the prosecution, accused refused to hear the evidence of witness and learned counsel for the accused also did not appear. The learned trial court has observed that the conduct of the accused shows that to avail the benefit of the order of this Court, he or his



pairvikar is not cooperative with the court.

In view of the trial court's report, this Court is not inclined to grant privilege of bail to the petitioner. The prayer is, thus, refused.

Let the trial be expedited and concluded preferably within six months from the date of communication of this order immediately after disposing of the application under Section 311 Cr.P.C. filed on behalf of the petitioner.

The 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'.

