

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57499 of 2021

Arising Out of PS. Case No.-174 Year-2020 Thana- ATRI District- Gaya

ROUSHAN KUMAR S/o RAJO YADAV R/o VILLAGE-KASIYADIH, P.S-
ATRI, DISTRICT-GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 02-02-2022 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks bail in connection with

POCSO Case No. 62 of 2020 arising out of Atri P.S. Case

No. 174 of 2020 instituted for the offences under Sections

341, 323, 326, 376/34 of the Indian Penal Code and

Section 4 of the POCSO Act.

The petitioner is said to have sexually assaulted

the victim.

The prayer for bail of the petitioner was earlier

rejected vide order dated 08.02.2021 passed in Cr. Misc.

No. 33555 of 2020.



The learned counsel for the petitioner has drawn the attention of this Court to the fact that there could be a possibility of false implication as there is a land dispute between the parties and there are contradictory statements of the informant as well as the victim girl.

This Court had called for a report about the stage of the case from the court below vide order dated 15.12.2021. The report which has since been received indicates that the case could not proceed because of non-appearance of other two accused persons of this case.

Considering the nature of accusation and the background facts, I am not inclined to grant bail to the petitioner.

The prayer for bail is rejected.

However, finding that because of the non-appearance of other two accused persons, the petitioner has remained in jail for about one and half years without the trial of his case proceeding any further, this Court, therefore, observes that in case the other two accused person do not appear, the trial of the petitioner be separated and be



conducted and concluded as expeditiously as possible,
preferably within a period of six months.

Such observation has been made only on the
ground that the petitioner himself is a person of young age
and is languishing in custody since one and half years.

Should there be no substantial progress in the
case within few months of the commencement of the trial, it
would be open for the petitioner to approach the Trial Court
for grant of bail and in that event, the Trial Court shall be
under an obligation to record the reasons for tardy progress
of trial.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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