

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.67103 of 2021**

Arising Out of PS. Case No.-59 Year-2020 Thana- BAJPATTI District- Sitamarhi

Kishnandan Sah @ Kishandan Sah, Son Of Late Pashpali Sah, Resident Of
Village - Rikhauli, P.S.- Dumra, Distt.- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, A.P.P.

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

5 16-02-2022 Learned counsel for the petitioner undertakes to re-
move 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. Sha-
habuddin Azeem @ S. Azeem, learned APP for the State.

This is the second attempt of the petitioner to obtain
bail in connection with Sessions Trial No. 22 of 2021 arising out
of Bajpatti P.S. Case No. 59 of 2020 registered for the offences
punishable under Section 366(A) of the Indian Penal Code. The
petitioner is in custody since 02.03.2020. He has no criminal an-
tecedent.

Perused the report as contained in Letter No. 01 dated
3rd January, 2022 received from the learned Additional District
and Sessions Judge-VI-cum-Special Judge (POCSO Act), Sita-



marhi.

Learned counsel for the petitioner submits that earlier the prayer for bail of the petitioner was rejected vide order dated 21.01.2021 passed in Cr. Misc. No. 29164 of 2020 giving liberty to the petitioner to renew his prayer for bail if the trial remains unconcluded within a period of nine months. It is submitted that the petitioner is in custody since 02.03.2020 but the trial has not been concluded as yet.

Mr. Shahabuddin Azeem @ S. Azeem, learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the report as contained in Letter No. 01 dated 3rd January, 2022 received from the learned Additional District and Sessions Judge-VI-cum-Special Judge (POCSO Act), Sitamarhi wherein the learned court has informed that the time likely to be taken in conclusion of trial is two months only, this Court is not inclined to release the petitioner on bail at this stage but in case the learned trial court fails to conclude the trial within two months from the date of communication of this order, for no reason attributable to the petitioner, the petitioner will be at liberty to file an application for bail in the learned court below itself which will be considered by the learned court below keeping in view that the petitioner is in custody in connection with this case since



02.03.2020 and for no fault on his part he cannot be kept in custody for an indefinite period. This Court has given enough indulgence to the prosecution to conclude the trial.

This application stands disposed of with aforesaid observations.

(Rajeev Ranjan Prasad, J)

vats/-

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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 web-site under the heading 'Judicial Orders Passed During The Pandemic Period'.

