

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69150 of 2021**

Arising Out of PS. Case No.-120 Year-2019 Thana- KIUL District- Lakhisarai

=====

NAUSHAD MIYAN @ MD. NAUSHAD @ MD. NOUSAD Son of - Late
Nikhar Miyan @ Late Nisar Miya Resident of village - Goddih, P.S. - Kiul,
District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

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

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 19-01-2022 Heard Mr. Sanjeev Kumar, learned counsel for the

petitioner and Ms. Madhuri Lata, learned Additional Public

Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Kiul
P.S. Case No. 120 of 2019 registered for the offences punishable
under Sections 341, 376, 511 of the Indian Penal Code 1860 and
Section 8 of the POCSO Act.

This is second attempt for grant of regular bail on
behalf of the petitioner inasmuch as earlier the bail application
of the petitioner was rejected by this Court vide order dated
10.11.2020 passed in Cr. Misc. 23802 of 2020 with liberty to
renew his prayer for grant of regular bail after nine months if the
trial does not show any progress.



The allegation against the petitioner, as per the First Information Report, is that in the night on 26.12.2019, when the informant with his family had gone to attend a function leaving her eight years old daughter alone, the petitioner entered into the house of the informant and taking benefit of the situation, took away the victim, a minor girl to the bank of the river and stripped her clothe and tried to commit rape but due to alarm raised by the victim, the petitioner fled away from the place of occurrence.

Learned counsel for the petitioner submits that the trial is not likely to be concluded in near future due to Covid-19 pandemic.

This Court by order dated 15.12.2021 had called for a report from the trial court regarding stage of trial and in pursuance thereof, the report of learned I/C. Additional Sessions Judge VI cum Special Judge, POCSO, Lakhisarai, dated 24.12.2021 is on record and from perusal of the same, it appears that charge sheet witnesses including the victim has been examined in this case and only examination of Investigating Officer is pending. Report also states that at present the court is vacant since 20.09.2021 due to transfer of P.O. Sri Rajeev Ranjan Raman and next date is fixed on 6.1.2022 for recording



of prosecution evidence.

Regards being had to the submission made by the parties and taking into consideration the material on record, the fact that the petitioner is in custody since 26.12.2019, the trial is not likely to be concluded in near future due to Covid-19 pandemic and this is second attempt for grant of bail on behalf of the petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI-cum-Special Judge, POCSO, Lakhisarai, in connection with Kiul P.S. Case No. 120 of 2019 (POCSO Case No. 58 of 2019) subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

S.Ali/-

U		T	
---	--	---	--

