

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8775 of 2023

Arising Out of PS. Case No.-175 Year-2018 Thana- NARHATT District- Nawada

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MITHUN RAJVANSHI S/O RAJENDRA RAJVANSHI Resident of Village-
Babhaur, P.S.- Narhat, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 05-04-2023 Heard the parties.

The petitioner renews his prayer for regular bail in connection with Special Case No. 45 / 2018 arising out of Narhat PS Case No. 175 / 2018 dated 17.07.2018 registered for the offence under Sections 376 of the I.P.C. and Section 4 of the POCSO Act.

The allegation as per the F.I.R. is that the petitioner on the pretext of marriage established physical relationship with the informant, due to which she became pregnant. The age of the victim at the time of occurrence was 15 years.

The bail application of the petitioner was rejected on merit firstly on 08.03.2021 in Cr. Misc. No. 18581 of 2020 and for the second time on 13/07/2022 in Cr. Misc. No. 21400 of 2022.



Learned counsel for the petitioner submits that the petitioner has remained in custody since 20th February, 2020 and since then three years have passed. He also submits that there was love affair between the petitioner and the victim girl.

On the other hand, learned counsel for the State submits that the victim girl has supported the prosecution story and in her examination - in - chief she has stated that physical relationship was established forcibly with her by the petitioner and when the victim protested the petitioner said that he would marry her. Due to the physical relationship the victim girl conceived and gave birth to a child.

This court vide its order dated 22.02.2023 has called for a report from the court below regarding the present stage of the trial and in pursuance thereof learned Addl. District & Sessions Judge- VI cum Spl. Judge POCSO, Nawada vide letter no. 75 dated 01.03.2023 has submitted the status report. From perusal of the same it transpires that out of nine charge - sheet witnesses, four prosecution witnesses have already been examined and cross-examined and five prosecution witnesses are yet to be examined by the trial court. The trial court has given the estimated time of conclusion of the trial within five months.



Taking into consideration the fact that bail application of the petitioner was rejected on merit earlier and trial court has given estimated time for conclusion of the trial within five months accordingly I am not inclined to grant regular bail to the petitioner at this stage.

The prayer for grant of bail is rejected.

However, the petitioner may renew his prayer for bail after six months if the trial does not conclude.

(Anil Kumar Sinha, J)

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