

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22608 of 2023

Arising Out of PS. Case No.-36 Year-2021 Thana- MAHILA P.S. District- Patna

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Dharmendra Kumar, Male, aged about 24 years, Son Of Bilas Bind @ Bilash Bind, Resident of Kaushal Nagar, Polo Road (Murgi Farm Road) PS Hawai Adda, District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhukar Anand, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 03-05-2023 Heard Mr. Madhukar Anand, learned counsel

appearing on behalf of the petitioner and Mr. Vinod Shanker

Modi, learned APP for the State.

2. Petitioner, who is in custody since 31.03.2021,

seeks regular bail in connection with Special (POCSO) Case

No. 46 of 2021 arising out of Mahila P.S. Case No. 36 of 2021

registered for offences punishable under Section 376-AB of the

Indian Penal Code and Section 6 of the POCSO Act.

3. Learned counsel appearing on behalf of the

petitioner submitted that the regular bail of the petitioner was

rejected vide order dated 22.02.2022 passed in Criminal

Miscellaneous No. 40907 of 2021 and vide order dated

18.05.2022 passed in Criminal Miscellaneous No. 24665 of



2022.

4. A report was called for from the Court of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO ACT) vide order dated 12.04.2023.

5. Vide Letter No. 1606 dated 25.04.2023, it has been informed by learned Addl. District and Sessions Judge – VI-cum- Excl. Special Judge, POCSO Act, Patna that out of six witnesses, only two witnesses, who are victim herself and the mother of the victim have been examined. Remaining four chargesheeted witnesses are yet to be examined and bailable warrants have been issued against the chargesheeted witnesses.

6. Learned Addl. District and Sessions Judge – VI-cum- Excl. Special Judge, POCSO Act, Patna is directed to complete the trial within a period of six months considering the statutory bar contained in Section 35 of the POCSO Act and the fact that more than two years have been passed in conduct of trial, which has not been concluded till date.

7. Accordingly, the present bail application is disposed of.

(Purnendu Singh, J)

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