

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20995 of 2023**

Arising Out of PS. Case No.-36 Year-2021 Thana- KANHAULI
District- Sitamarhi

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MUNNILAL DAS @ MUNNI DAS Son of Akal Das Resident of
Village - Ramnagara, P.S.- Kanhauli, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offences punishable under Section 376 (A) (B) of the
Indian Penal Code and 4 of POCSO Act.

The learned counsel for the petitioner submits
that this is the second attempt of the petitioner to seek
bail as by order dated 21.03.2022 in Cr. Misc No. 60290
of 2021.

The bail application of the petitioner was
permitted to be withdrawn with a liberty to renew his



prayer for bail after nine months in the event if the trial is not concluded for no fault of the petitioner. The learned counsel submits that petitioner accordingly in terms of the directions of court moved before the learned trial court.

The learned trial court rejected the bail application by order dated 07.02.2023 without appreciating the fact in its correct prospective as the order impugned, does not record as to whether the trial was delayed on account of the petitioner or for the reason that the prosecution witnesses were trying to delay the trial.

The learned A.P.P. for the State opposes the bail application and submits that from perusal of the order impugned it would manifest that the trial is near completion and now only the evidence of Investigating Officer is awaited.

Considering the submissions made by the learned A.P.P., the Court is not inclined to release the petitioner on bail.

However, in the event, if the trial is not



concluded within a period of one month from the date of receipt/production of the copy of this order for no fault of the petitioner or on the ground that the I.O. did not appear, the petitioner shall file an application before the learned Trial Court and in the event the learned Trial Court finds that the delay in trial was not caused on account of the conduct of the petitioner then the learned Trial Court shall release the petitioner on bail.

(Satyavrat Verma, J)

Adnan/-

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