

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32915 of 2022**

Arising Out of PS. Case No.-357 Year-2017 Thana- NAWADA District- Nawada

NAVIN KUMAR ALIAS NAVIN KUMAR MEHTA ALIAS NAVIN MEHTA  
SON OF SRI JITENDRA KUMAR MEHTA R/O VILLAGE- GONAWAN,  
P.S.- NAWADA, DISTRICT- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

5      04-01-2023                      Heard the learned counsel for the petitioner and  
  
the State.

The prayer for bail of the petitioner was earlier  
  
rejected *vide* order dated 07.09.2018.

The petitioner has been facing trial in  
  
connection with Nawada Town, P.S. Case No. 357 of  
  
2017 giving rise to Special (POCSO) Case No. 17 of  
  
2017, instituted for the offences under Sections 366(A)  
  
and 376(C) of the Indian Penal Code and Section 4 of  
  
the POCSO Act, 2012 as well as Sections 66 (e) and 67  
  
of the Information Technology Act, 2000.



The prayer for bail of the petitioner was again rejected on 09.06.2020.

By that time most of the witnesses had been examined except one official witness.

Thus, while dismissing the bail petition, this Court had directed the Trial Court to conclude the trial positively within a period of four months from the date of receipt/production of a copy of this order.

Thereafter, again, the petitioner approached this Court but on 24.02.2021 in Criminal Misc. No. 4579 of 2021, when this Court granted further time to the Trial Court of three months for concluding the trial.

The trial has not yet concluded.

In the report which has been received in this Court, it appears that the video of the occurrence was captured in a CD which was sent to F.S.L. for examination. However, the F.S.L. Patna, did not have any such facility, requiring the Court to direct for its examination by the F.S.L., Chandigarh. Despite the



direction of this Court, the I.O. of this case did not send the CD to the F.S.L., Chandigarh and the reason ascribed for the same was hardly tenable. Again, efforts are being made to analyze the CD in F.S.L., Patna, whose report is still awaited.

This is the reason for the trial remaining pending up-till now.

Regard being had to the afore-noted facts and the period of custody of the petitioner, this Court is inclined to and grants bail to the petitioner.

The petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge VI-cum-Special Judge, POCSO Act, Nawada in connection with Nawada Town, P.S. Case No. 357 of 2017 giving rise to Special (POCSO) Case No. 17 of 2017.

One of the bailors shall be the wife of the



petitioner. While furnishing bail bonds the petitioner shall provide his and his wife's telephone number, which shall be kept in operative condition till the conclusion of trial. The petitioner shall not leave the territorial confines of the district, where the trial is being conducted without the prior permission of the Trial Court. The petitioner shall also get his presence marked before the officer-in-charge of the concerned Police Station on every Monday, failing which the bail granted to the petitioner would be rendered liable to be cancelled. The petitioner shall participate in the trial till its conclusion without fail and his absence from the trial proceedings on any occasion would authorize the Trial Court to proceed against the petitioner for cancellation of his bail.

The petition stands allowed accordingly.

**(Ashutosh Kumar, J)**

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