

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39016 of 2023

Arising Out of PS. Case No.-117 Year-2018 Thana- PIRPAINTI District- Bhagalpur

Sittu Yadav Son Of Gopal Yadav Village Lakrakol Thana Pirpainti District
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party/s : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Special
POCSO Case No. 2180 of 2018, arising out of Pirpainti P.S.
Case No. 117 of 2018, registered for the offences punishable
under Section 377 of the IPC and Section 4 of the POSCO Act.

As per allegation, it is alleged that the petitioner has
committed unnatural offence with the grandson of the
informant.

Learned counsel for the petitioner submits that it is a
case of misuse of bail. Initially, the petitioner was granted bail
by learned Court below on 29.01.2019. Subsequently, the
petitioner failed to appear before the learned court below for
about two years, thereafter, after declaring the petitioner to be



absconder, his bail bonds were cancelled on 05.04.2021 and thereafter, after issuance of process under Sections 82-83 of the Cr. P.C., the petitioner was arrested on 10.02.2023.

He further submits that due to Covid-19, the petitioner could not appear before the learned Court below. However, if the petitioner is granted bail, he undertakes to regularly appear before the learned Court below.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

However, learned APP for the State vehemently opposes the prayer of the petitioner and submits that the petitioner has misused the privilege of bail earlier granted by the learned Court below.

From the perusal of the order dated 24.03.2023, passed by the learned Court below, whereby, the bail petition of the petitioner has been rejected, it transpires that only the doctor is remaining witness to be examined.

Considering the fact that only one witness, i.e., doctor is to be examined, the learned Court below is directed to expedite the trial and conclude the same within a period of three months, failing which the petitioner is directed to be released on bail by the learned Court below itself and in that event, learned



Court below will submit a report before this Court as to why the trial was not concluded within the stipulated period.

The present application is disposed of accordingly.

(Jitendra Kumar, J)

Amrendra/-

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