

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3400 of 2023

Arising Out of PS. Case No.-33 Year-2020 Thana- MAHILA PS District- Jehanabad

Anurag Kumar @ Pancham Kumar Son of Sadanandan Singh Resident of
Village-Diawan, PS- Kako, Distt- Jehanabad

... .. Appellant

Versus

1. The State of Bihar
2. Smt. Mintoo Devi Wife of Hari Govind Singh Resident of Village-Baluatal,
PS- Motihari Town, Dist- East Champaran

... .. Respondents

Appearance :

For the Appellant/s : Mr. Sunil Srivastava, Advocate
For the Respondent/s : Mr. Zeyaul Hoda, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 17-05-2024 Heard learned counsel for the appellant and learned
Special PP for the State.

2. By filing this appeal, the appellant has assailed the order dated 24.05.2023 passed by learned Special Judge, Children Court, Jehanabad in Children Case No. 02 of 2021 arising out of Jehanabad (Mahila) P.S. Case No. 33 of 2020 registered for the offences punishable under Section 376 of the Indian Penal Code (IPC) and Section 4/6 of the Protection of Children from Sexual Offences (POCSO) Act.

3. As per the prosecution story, on 06.10.2020 at 12:00 pm, informant's daughter was playing near her house. It is alleged that this appellant came and took her daughter by alluring her. After sometime, the informant heard weeping sound of her



daughter and when she went near the house of the accused, she found her daughter crying and she said that the appellant has done something wrong with her.

4. Learned counsel for the appellant submits that earlier the prayer of this appellant for similar relief was rejected by this Court vide order dated 18.08.2021 passed in Criminal Appeal (SJ) No. 2296 of 2021.

5. In the second attempt, this Court *vide* its order dated 17.05.2023 in Criminal Appeal (SJ) No. 701 of 2022 relegated the appellant to the learned trial court for filing a fresh application. Accordingly, the appellant filed a fresh application for grant of bail in the Children Court which has been refused vide order dated 24.05.2023 and the same is impugned in the present appeal.

6. Learned counsel submits that till date only one witness has been examined and he is in custody since 06.10.2020. It is submitted that in view of the delay in conclusion of trial, if the appellant remains disconnected to the mainstream of the society, there would be no chance of his returning back to the mainstream and that will defeat the very purpose of the Juvenile Justice Act.

7. Learned counsel for the State, however, submits that the trial has begun and at this stage, when the victim has yet not been examined, release of the appellant on bail would not be in the interest of justice.



8. Having regard to the observations of this Court present in its earlier order particularly the order dated 18.08.2021 in Criminal Appeal (SJ) No. 2296 of 2021, this Court is not inclined to grant bail to the appellant at this stage when the victim has yet not been examined in course of trial. His prayer for bail is refused.

9. This would, however, not mean that the trial shall remain pending for indefinite period without examining the victim.

10. Let the trial court proceed to conclude the trial itself at the earliest opportunity and preferably within a period of six months from the date of receipt/production of a copy of this order or take steps to examine the victim within a period of two months from today and in case, the trial is not likely to be concluded within six months, then consider the prayer of the appellant afresh for grant of bail keeping in view the materials available on the record.

11. This appeal is disposed of with the aforesaid observations.

(Rajeev Ranjan Prasad, J)

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