

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68581 of 2024

Arising Out of PS. Case No.-137 Year-2024 Thana- MUFFASIL District- West Champaran

Sittu Mahato @ Chhotu Kumar @ Situ Mahto S/o- Rameshwar Mahto @
Ramkeshvar Mahto Village- Harivatika Pokhara Chowk Ps- Bettiah Muffasil
Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunil Mahto Son of Rameshwar Mahto @ Ramkeshvar Mahto Village-
Harivatika Pokhara Chowk Ps- Bettiah Muffasil Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-10-2024 Heard Learned Counsel for the petitioner and Learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Bettiah Muffasil P.S. Case No. 137 of 2024 dated 09.03.2024, lodged under Sections 366-A, 34 of the Indian Penal Code, but subsequently, section 376 of the IPC and section 4 of the POCSO Act has been added, pending before the Court of Special Judge POCSO-cum-A.D.J.-VI, West Champaran, Bettiah.

3. As per the prosecution, FIR has been lodged against the petitioner and one unknown accused person against whom there is an allegation that they have kidnapped the informant's daughter for marriage.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel submits that the criminal antecedent of the petitioner is clean and he is in custody since 15.03.2024. Counsel submits that charge has already been framed in this case and prosecution witnesses 1 and 2 (victim and informant) have adduced their evidence before the Trial Court and it has been mentioned that from the evidence of these two witnesses, no material has come.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that admittedly, the informant's daughter was minor, therefore, POCSO Act has been added in this case and in the POCSO Act, trial has to be concluded within one year from the date of cognizance and one year has not been crossed as the present FIR has been lodged on 09.03.2024.

6. In the present facts and circumstances, this Court is not inclined to grant regular bail to the petitioner. Accordingly, the prayer for regular bail of the petitioner is hereby rejected.

7. Trial Court is directed to conclude the trial within three months as charge has already been framed and two prosecution witnesses have already been examined in this case.

(Dr. Anshuman, J)

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