

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12516 of 2024

In
CRIMINAL APPEAL (DB) No.748 of 2021

Arising Out of PS. Case No.-349 Year-2021 Thana- NARPATGANJ District- Araria

Dilip Kumar Yadav, Son of Dinesh Yadav, Resident of Village - Khaira
Gadhiya, Ward No.12, Police Station - Narpatganj, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramanand Poddar, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

3 01-04-2024 A prayer for modification in Paragraph No. 41

of the judgment dated 29.09.2022 passed in Cr. Appeal

(DB) No. 748 of 2021, delivered by the Predecessor

Bench, of which one of us (Khatim Reza, J.) was a part,

has been made.

2. The Bench had directed as follows:

*"41. Before we part with the
present judgment and order, considering
the consistent approach of learned Special
Judge (POCSO), Araria in two different*



*trials, one leading to this Court's judgment in case of **Md. Major @ Mejar** (supra) and the other, the case at hand, while dealing with the matters of serious nature, we deem it proper to request Hon'ble the Chief Justice to consider whether the Judicial Officer should be assigned function of holding sessions trial cases which have far reaching consequences. Further, whether learned Special Judge (POCSO), Araria needs to be sent for training in the Bihar Judicial Academy. Furthermore, we are of the view that if, on remand, the trial is held afresh by the same learned Judge, it may cause prejudice to the case of the appellant. Accordingly, it is directed that the trial should not be held by the same learned Special Judge, rather it should be held by a court presided over by another learned Judge and if required, under appropriate orders, by vesting powers of Special Judge under the POCSO Act."*

3. It has been informed that the Special Judge, POCSO Court stands transferred to another place.



4. There should then be no difficulty for the incumbent Judge to deal with this matter.

5. There is no need for any modification in paragraph No. 41 of the judgment.

6. The application stands disposed off accordingly.

(Ashutosh Kumar, J)

(Khatim Reza, J)

Sauravkrsinha/
Krishna-

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