

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51951 of 2024

Arising Out of PS. Case No.-300 Year-2021 Thana- KORHA District- Katihar

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RAJU SINGH @ RAJU KUMAR S/O ARJUN SINGH R/O VILLAGE-
MAVAIYA, P.S- KORHA, DISTT.- KATIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 31-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Korha P.S. Case No. 300 of 2021 lodged on 01.07.2021 under Sections 341, 323, 363, 366A, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2) (va) of the SC/ST Act but the cognizance and charges has been framed under Sections 363, 366(A) and 376 of the Indian Penal Code and Section 4 of the POCSO Act.

3. Learned counsel for the petitioner submits that charge has already been framed in this case. Earlier criminal appeal was filed but subsequently charge-sheet has not been filed under SC/ST Act. Therefore, petitioner has preferred Cr. Miscellaneous No. 74656 of 2023 in which vide order dated



24.11.2023, bail application of the petitioner was rejected. He further submits that petitioner is in custody since 17.05.2022 and accused person against whom allegation has been made that he has committed rape has been granted bail by a coordinate Bench of this Court vide order dated 14.07.2022 passed in Cr. Appeal (SJ) No. 4732 of 2021. He further submits that cognizance in this case has taken place in other sections as well as POCSO on 07.04.2022. Section 35 (2) of the POCSO Act clearly states that the Special Court shall complete the trial, as far as possible, within a period of one year from the date of taking cognizance of the offence. One year has already elapsed and the petitioner has prayed for bail.

4. Learned counsel for the State opposes the prayer for bail and fairly submits that after charge-sheet it transpires that SC/ST Act is not there and therefore criminal miscellaneous is maintainable and other co-accused persons have been granted bail. One year is however elapsed from the date of cognizance.

5. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be released on bail, on being satisfied by the Trial Court that the petitioner is not absconding in the cases as mentioned in paragraph no. 3 of the bail petition, on furnishing bail bonds of



Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge, POCSO Court, Katihar in connection with G.R. No. 2497 of 2021, arising out of Korha P.S. Case No. 300 of 2021, subject to the conditions as laid down under Section 437 (3) of the Code of Criminal Procedure.

6. The details of the case which are pending against the petitioner in which he is on bail is as follows:-

i. Barari P.S. Case No. 449 of 2018.

(Dr. Anshuman, J)

Ranjeet/-

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