

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63795 of 2024

Arising Out of PS. Case No.-482 Year-2023 Thana- RAXAUL District- East Champaran

Md. Imran Miyan Son of Hasnain Miyan village- Nauka Tola Ward no. 5, Ps-
Raxaul, Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vijay Kumar Sharma S/o Late Satyendra Ray Resident of Village and P.O.-
Malikaur, P.S.-Pusa, District-Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

7 02-05-2025 Heard Learned Counsel for the petitioner and Learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Raxaul (Haraiya) P.S. Case No. 482 of 2023 lodged on
27.10.2023, for the offence punishable under Section 376(3) of
the Indian Penal Code read with sections 4/6 of the POCSO Act.

3. Learned Counsel for the petitioner submits that the
bail application of the petitioner has earlier been rejected *vide*
order dated 17.02.2024 passed in Cr. Misc. No. 7199 of 2024.
Counsel submits that petitioner is in custody since 28.10.2023
having no criminal antecedent and charge has already been
framed in this case on 29.04.2024, therefore, no purpose would
be served keeping the petitioner in custody.

4. Learned APP for the State opposes the prayer for
bail of the petitioner and submits that in this case, report with



regard to the present stage of the trial has been called for and from the said report, it transpires that charge has been framed in this case on 29.04.2024 U/s 376 of the IPC and sections 4 and 8 of the POCSO Act and presently, case is pending for sanction of the Central Government required for proceeding with trial U/s 188 of Cr.P.C for offences committed outside India.

5. In this view of the matter, this Court is not inclined to grant regular bail to the petitioner. Accordingly, the prayer for regular bail of the petitioner is hereby rejected.

6. It is hereby directed to the Learned APP for the State to write a letter to the Home Department and Superintendent of Police, East Champaran so that trial be concluded at the earliest.

7. It is also made clear that recently, the guidelines have been issued for recording of evidence of vulnerable witnesses, 2025 *vide* Notification No. 1676/JJS, Dated – 26/03/2025 which is available on the web site of The High Court of Judicature at Patna.

8. The Home Department as well as the Special Public Prosecutor appointed for this case are directed to take help for recording of evidences in the light of the said guidelines issued for recording of evidence of vulnerable witnesses.



9. This Court expects that the Home Department shall follow the guidelines and complete the trial within 9 months from today.

10. Superintendent of Police, East Champaran is hereby directed to look into this matter in connection with Raxaul (Haraiya) P.S. Case No. 482 of 2023 by instructing the concerned S.H.O/I.O of this case so that trial takes place at the earliest due to the reason that speedy trial is the constitutional vision of justice.

11. Registry is directed to transmit a copy of this order to the Home Department and the Superintendent of Police, East Champaran through fax, e-mail or any other mode forthwith. Registry is further directed to hand over a copy of this order to Learned APP for the State who shall communicate this order to the Home Department and the Superintendent of Police, East Champaran at his level.

(Dr. Anshuman, J)

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