

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89439 of 2024

Arising Out of PS. Case No.-243 Year-2023 Thana- PIPRAKOTHI District- East Champaran

Roshan Kumar, aged about 19 years, Son of Gorkh Sah, Resident of village -
Panditpur, P.S.- Piprakothi, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Virendra Sah, Son of Kailash Sah, Resident of village- Panditpur, P.S.-
Piprakothi, District- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 19-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Piprakothi P.S. Case No. 243 of 2023 instituted for the offences
punishable under Sections 341, 323, 354, 366(A)/34 of the
Indian Penal Code and Section 8 of the POCSO Act.

3. Earlier the prayer for bail of this petitioner was
rejected by this Court passed in Cr. Misc. No. 9069 of 2024 vide
order dated 15.04.2024.

4. As per the prosecution case, all accused persons
including the petitioner kidnapped the daughter of the informant
forcibly with an intention to marry her.



5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. He further submits that the informant and petitioner are not co-villagers and the petitioner is living in Nanihal, which is the place of occurrence and due to dirty village politics, informant has lodged false and fabricated case against the petitioner. The real fact is that the informant's daughter is in love with Roshan Kumar (Petitioner) and both are major and wanted to solemnize marriage. Petitioner has got no criminal antecedent as stated in para 3 of the petitioner and is in custody since 01.11.2023.

6. Learned APP opposes the prayer for bail.

7. From perusal of the FIR and also perused the impugned order dated 07.12.2023 passed by the learned 6th Additional Sessions Judge-cum-Special Judge POCSO Act, East Champaran, Motihari, and also perused the report regarding the stage of trial from the Court of the learned 6th District and Additional Sessions Judge-cum-Exclusive Special Judge, POCSO Act, East Champaran, Motihari vide letter No. 98 dated 19.02.2025, it appears that this is the second attempt for regular bail of the petitioner and first bail petition has already been rejected by this Court vide order dated 15.04.2024 passed in Cr.



Misc. No. 9069 of 2024. It also appears that in the progress of trial, three prosecution witnesses have been examined by the trial Court as submitted by learned counsel for the petitioner and the learned trial Court is likely to conclude the trial within a period of three months, so considering all these aspects of the matter, I am not inclined to grant bail to the petitioner, accordingly the present bail petition of the petitioner stands rejected.

8. However, the learned trial Court is directed to conclude the trial within a period of three months as submitted in his report vide letter no. 98 of 2025 dated 19.02.2025 and the Superintendent of Police, East Champaran, Motihari is also directed to produce the witnesses in this case to conclude the trial as early as possible and consult with the trial Court so that the trial be concluded within the stipulated period and if the trial is not concluded within the stipulated period, then the petitioner may have liberty to renew his prayer for bail before the trial Court and the trial Court is directed to grant bail to the petitioner, if the petitioner co-operate in the trial.

(Ramesh Chand Malviya, J)

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