

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36122 of 2026

Arising Out of PS. Case No.-45 Year-2022 Thana- ADHAOURA District- Kaimur (Bhabua)

Vikash Kumar S/o Ram Surat Singh Resident of Village- Bandha, P.S.-
Adhaura, P.S.- Adhaura, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

1. The State of Bihar
2. X S/o Y Resident of Village- Bandha, P.S.- Adhaura, District- Kaimur at
Bhabua

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 28-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Adhaura P.S. Case No. 45 of 2022, registered for the offences under Sections 302/34, 201/34, 376D of the IPC and Sections 3(i)(w), 3(ii)(v) of the SC/ST(PoA) Act and Section 6 of the POCSO Act.

3. As per the prosecution case, the daughter of the informant went to graze her goats but did not return. Subsequently, a dead body was recovered and she was found hacked to death.

4. Learned counsel appearing on behalf of the petitioner submits that this is the second attempt of the petitioner to seek bail from this Court as the prayer for bail was rejected earlier vide order dated 31.01.2026 passed in Cr. Misc. No. 58859 of 2024 by a learned Coordinate Bench. Learned



counsel further submits that while rejecting the prayer for bail, the learned Coordinate Bench noted that the trial was on the verge of conclusion and the learned trial court was directed to make an endeavor to conclude the trial within a period of eight weeks but till date, prosecution evidence has not been completed and three witness are yet to be examined. Learned counsel also submits that under the mandate of POCSO Act, the trial should have been concluded within a year from the date of cognizance. Learned counsel further submits that it appears, there is no likelihood of early conclusion of trial and the petitioner is in custody since 08.05.2024.

5. Learned APP appearing for the State opposes the submission made on behalf of the petitioner. Learned APP submits that no new ground has been brought on record to reconsider the prayer for bail and delay in trial could not be a ground for grant of bail.

6. A report about the present stage of trial and likely time for its conclusion was sought by the learned Coordinate Bench on the last date of hearing wherein the learned Additional District & Sessions Judge-VI-cum-Special Judge POCSO Act, Kaimur at Bhabua has submitted that out of 14 charge sheet witnesses 10 witness have been examined and four charge sheet



witnesses remain to be examined. Learned trial court has further submitted that repeated summons have been issued on these witnesses but till date they have not appeared to depose before the Court. Learned trial court also submits that if both sides cooperate, trial may be concluded within four months.

7. From the submission of the parties, it is apparent that except for delay in conclusion of the trial no fresh ground has been brought on record to consider the prayer for bail of the petitioner and hence, I am not inclined to enlarge the petitioner on bail at this stage. Hence, the prayer for bail of the petitioner is rejected.

8. Further, considering the report of the learned trial court, Superintendent of Police, Kaimur at Bhabua is directed to ensure the presence of the witnesses on each and every date before the learned trial court, failing which the learned Superintendent of Police will be called to appear before this Court in person to explain his conduct.

9. Let a copy of this order be sent to the Superintendent of Police, Kaimur at Bhabua for compliance.

(Arun Kumar Jha, J)

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