

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49818 of 2025

Arising Out of PS. Case No.-50 Year-2020 Thana- ATHMALGOLA District- Patna

Chandan Kumar Singh @ Chandan Kumar son of Nepali Kumar Singh @
Shiv Kumar Singh village- Suryapur PS -Athmalgola District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Baby Devi Wife of Bablu singh village- Suryapur PS -Athmalgola District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Nazia Shabah, Advocate Mr. Md. Fahar Imran, Advocate
For the State	:	Mr. Humayou Ahmad Khan, APP
For the Informant	:	Mr. Harsh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

12 17-04-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner has renewed his prayer for bail in connection with Spl. (POCSO) Case no.52 of 2020 (arising out of Athmalgola P.S. Case no.50 of 2020) registered under section 376 of the Indian Penal Code and section 6 of the POCSO Act.

3. The earlier prayer for bail of the petitioner was rejected vide order dated 8.12.2021 passed in Cr. Misc. no.27522 of 2021 and order dated 3.5.2023 passed in Cr. Misc. no.9789 of 2023 giving liberty to the petitioner to renew his prayer for bail in the learned Court below if the trial is not concluded within six months.



4. As per the prosecution case, the petitioner is said to have committed rape on the minor daughter of the informant.

5. Learned counsel for the petitioner submits that inspite of the petitioner who is a handicap being in custody for more than five years since 31.12.2020 and the observation of this Court in its order dated 3.5.2023 to complete the trial within six months, the trial is still pending and as such the petitioner be enlarged on bail. The petitioner undertakes to cooperate in the trial.

6. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that while the liberty was given in the order of this Court passed in May, 2023, for reasons best known the petitioner moved this Court for bail only in July, 2025. It is further submitted that the trial was near conclusion when the petition was filed on behalf of the defence for ascertainment of the age of the victim by performing ossification test. It is thus submitted that the trial being about to conclude, in view of the nature of allegation, the petitioner should not be enlarged on bail.

7. On perusal of the material on record, it transpires that the case was running at the stage of defence argument in



April, 2024 when a petition was filed by the defence under the Evidence Act challenging the date of birth of the victim. A direction was given by the learned Court below to the Superintendent, PMCH, Patna to constitute a medical board for ossification test of the victim for her age determination.

8. On perusal of the letter dated 7.4.2026 of the Superintendent, PMCH, Patna, it transpires that the age of the victim was ascertained on the basis of ossification test by a board consisting of six members and a report has been sent to the learned Court below by letter no.5195 of 23.8.2025 of the Superintendent, PMCH, Patna.

9. In view of the nature of allegation against the petitioner and the trial being near its conclusion, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

10. The learned trial Court is directed to conclude the trial at the earliest preferably within three months from the date of receipt/communication of this order.

(Partha Sarthy, J)

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