

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**B.A. No.786 of 2025**

Mithun Kumar Paswan @ Mithun Paswan, aged about 21 years, Son of Santu Paswan, Resident of Village & P.O.-Lesliganj, P.S.-Lesliganj, District-Palamau.

... **Petitioner**

Versus

The State of Jharkhand

... **Opposite Party**

**Coram: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA**

For the Petitioner : Mr. Ashok Kumkar, Adv.

For the State : Mrs. Anuradha Sahay, A.P.P.

**Order No.05/Dated- 07<sup>th</sup> March, 2025.**

1. Learned counsel for the petitioner submits that petitioner is in judicial custody since 23.06.2023 and the earlier bail application of petitioner was rejected vide order dated 05.07.2024 passed in B.A. No. 4687 of 2024 by this Court with observation that petitioner shall be at liberty to renew his prayer for bail after six months if his trial is not concluded within that period.
2. It is further submitted that at the time of previous rejection of bail application of the petitioner out of 12 charge-sheet witnesses only 4 charge-sheet witnesses were examined and only 8 witnesses have remained to be examined therefore, six months' time was stipulated to facilitate the trial. It is further submitted that after the expiry of aforesaid six months, the petitioner again filed an application for bail before the concerned trial court which was again rejected on 08.01.2025 wherein also it is mentioned that out of 12 charge-sheeted witnesses only 4 witnesses have been examined, therefore, within six months there was no progress in the trial of the case by the concerned trial court. It is further

submitted that the learned trial court is flagrantly violating the provisions of Section 35 of POCSO Act, 2012. Considering the long custody of the petitioner and no hope of conclusion of trial in near future, the petitioner may be released on bail.

3. On the other hand, learned A.P.P. appearing for State has opposed the prayer for bail of the petitioner in view of kidnapping of a minor girl aged about 14 years and commission of rape, hence petitioner does not deserve bail .
4. In view of the above facts and circumstances of the case, let the report be called for from the concerned trial court in view of provision of Section 35 of POCSO Act, 2012 in respect of conclusion of trial within a period of one year from the date of taking cognizance of the order. The learned trial court is further directed to submit the complete data of pending POCSO cases with stage wise and progress in the trial and also the constraints for not strictly adhering the provisions of the POCSO Act. The said report must be sent within a period of three weeks. The learned trial court is also directed to submit reasons for conclusion of trial of this case would take further one year time.
5. Let this matter be listed on 04.04.2025.

**(Pradeep Kumar Srivastava, J.)**

Amar/-