

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B.A. No. 786 of 2025

Mithun Kumar Paswan @ Mithun Paswan, aged about 21years, 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 Kumar, Adv.

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

Order No.07/Dated- 11.04.2025

Heard learned counsel for the parties.

2. The petitioner has been made an accused in connection with Special POCSO Case No.46/2023 arising out Latehar P.S. Case No. 114/2023, for the offence under Sections 366A, 376(2)(n) of the I.P.C. and Sections 4,6,8 of the POCSO Act, pending in the court of Special Judge, POCSO Act, Latehar.
3. As per FIR, on 07.05.2023 at about 05:00 O' Clock, the daughter of the informant was found missing from the house and the information regarding the same has been received through mobile that the daughter of the informant was kidnapped by the present petitioner and taken her to Punjab and on 27.05.2023, the daughter of the informant talked to her Mausi through mobile phone, but did not disclose the location.
4. Learned counsel for the petitioner has submitted that earlier regular bail application of the petitioner has been rejected on merits. The petitioner remained in custody since 23.06.2023 and trial is still going in slow motion up till now and out of 12 charge-sheeted witnesses, only 07 witnesses have been examined including the victim. Petitioner undertakes to co-operate in the trial of the case by remaining physically present as and when required and shall not indulge in any manner in tampering with the prosecution evidences or influencing the witnesses of prosecution. Hence, the petitioner may be enlarged on bail.
5. Learned Addl. P.P. has opposed the prayer for bail of the petitioner and submitted that in view of the seriousness of the offence and earlier

progress of the trial and from perusal of the earlier rejection order dated 05.07.2024 passed in B.A. No.4687 of 2024, it appears that petitioner has taken away a minor girl of 14 years (victim) and kept her for 1½ months somewhere in Punjab and has also sexually assaulted her resulting in her pregnancy. The trial is in progress and victim has also been examined and supported the prosecution version. It appears that the trial is not going in consonance with the provisions of Section 35 (2) of POCSO Act which specifically mandates “Special Court shall complete the trial, as far as possible, within a period of one year from the date of taking cognizance of the offence”. The report submitted by learned Special Court does not show the date of taking cognizance rather it is mentioned that out of 12 charge-sheeted witnesses only 05 witnesses have been examined and the trial court is still requesting further six months’ time to conclude the trial.

6. The approach of the learned trial court is not in consonance with the object of the provisions of Section 35 of the POCSO Act, 2012.
7. Considering the aforesaid facts and circumstances of the case, the gravity of offence and non-availability of any fresh valid grounds, I am not inclined to enlarge the petitioner on bail. Hence, the bail application of the petitioner stands dismissed.
8. Learned trial court is directed to proceed with the trial in accordance with law, keeping in view the mandate of the provisions of Section 35 of the POCSO Act, 2012.

(Pradeep Kumar Srivastava, J.)

Amar/-