

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7935 of 2022

Arising Out of PS. Case No.-48 Year-2018 Thana- KHUSRUPUR District- Patna

SONU KUMAR @ MUKESH KUMAR Son of Late Sant Mistri Resident of
Village - Nadwa, P.s.- Dhanarua, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Rashmi Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 11-05-2022 Heard the parties.

The petitioner seeks bail in a case registered for the offence punishable under Sections 363, 366(A) of the IPC.

Earlier thrice, the prayer for bail of this petitioner was rejected vide order dated 07.08.2018 passed in Cr. Misc. No.48275 of 2018, 27.06.2019 passed in Cr. Misc. No.23111 of 2019 with direction to conclude the trial within sixteen months and lastly vide order dated 01.03.2021 passed in Cr. Misc. No.2632 of 2021 by this Court with a liberty to conclude the trial within six months.

The petitioner has again filed this application for bail. Vide order dated 02.03.2022, a report was called for in this case, regarding the stage of the trial.

In compliance thereof, a report sent by learned Additional



District and Sessions Judge-VII-cum-Exclusive Special Court (POCSO Act), Patna dated 11.03.2022, is kept at flag 'X', whereby it is submitted that out of six charge sheet witnesses, only one witness namely Shiv Kumar has been examined and cross examined and he was discharged on 23.02.2022, thereafter no any witnesses have been produced on behalf of the prosecution. Summon has been issued to all the charge sheeted witnesses.

It is submitted by learned counsel for the petitioner that petitioner is in custody since 31.03.2018 i.e. for more than four years, as such, he may be enlarged on bail.

Considering the period of custody, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Khusrupur P.S. Case No.48 of 2018, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.



(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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