

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54957 of 2021

Arising Out of PS. Case No.-2 Year-2019 Thana- MAHILA PS District- Gopalganj

SONU @ AFSAR ALI SON OF HAIDAR ALI R/O VILLAGE- TIRBIRWA,
P.S. AND DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava, Advocate
For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 05-04-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections, 323, 354B, 504, 506 and 34 of the Indian Penal Code and sections 8, 10 and 12 of the POCSO Act.

It is submitted by learned counsel appearing for the petitioner that vide order dated 14.9.2020 (Annexure-1) the petitioner along with one another was enlarged on anticipatory bail. Relevant portion of the order dated 14.9.2020 is quoted herein below :

“it is further directed that the petitioners would mark their attendance before the Officer-in-Charge of the concerned police station at 10.00 am. On each Monday of the week and in the event of two consecutive defaults, the present privilege of anticipatory bail



shall stand cancelled automatically.”

It is further submitted by learned counsel for the petitioner that pursuant to grant of anticipatory bail, the petitioner was released. However, as the contents of the order was not properly communicated, he was absent on more than two Mondays from 19.4.2021 and on the report of the Officer-in-Charge of the concerned police station the learned trial Court cancelled the bail bond of the petitioner on 8.7.2021 and he was taken into custody on 16.8.2021. It is thus submitted that at best it is a case of misuse of privilege of bail. The petitioner has remained in custody for more than 7 months. He undertakes to cooperate in the case/trial and to abide by the conditions which may be laid by this Court for his release on bail.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the submissions made on behalf of the petitioner together with the petitioner having remained in custody for more than 7 months, the Court directs the petitioner to be enlarged on bail in connection with Gopalganj Mahila P.S. Case no. 2 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned VIth



Additional Sessions Judge-cum-Special Judge, POCSO Act,
Gopalganj on the same conditions as laid down in the order
dated 14.9.2020 (Annexure-1) passed in Cr. Misc. no. 17176 of
2020 including the conditions quoted herein above.

The application stands allowed.

(Partha Sarthy, J)

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