

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66271 of 2021

Arising Out of PS. Case No.-188 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

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GANESH MANDAL Son of Late Shiv Mandal Resident of Village - Sonudih,
Police Station - Goradih, District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate

For the Opposite Party/s : Mr. Ramchandra Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 19-01-2022 Heard Mr. Indeshwari Prasad Mandal, learned

counsel for the petitioner and Mr. Ramchandra Singh, learned

Additional Public Prosecutor appearing for the State through

video conferencing.

Petitioner seeks regular bail in connection with

Jagdishpur P.S. Case No. 188 of 2020 registered for the offences

punishable under Sections 341, 323, 354(b), 504, 506 of the

Indian Penal Code and Section 8 of the POCSO Act.

This is second attempt for grant of regular bail on

behalf of the petitioner inasmuch as earlier the bail application

of the petitioner was rejected by this Court vide order dated

13.04.2021 passed in Cr. Misc. 6250 of 2021 with liberty to

renew his prayer for grant of regular bail after six months if the

trial does not show any progress.



The allegation as per the First Information Report is that the petitioner molested the minor daughter of the informant.

Learned counsel for the petitioner submits that the petitioner is in custody since 3.8.2020 and trial is not likely to be concluded in near future due to covid-19 pandemic inasmuch as none of the charge sheet witnesses has been examined as yet.

This Court by order dated 01.12.2021 had called for a report from the trial court regarding stage of trial and in pursuance thereof the court of Exclusive Special Judge, POCSO Act cum ADJ VI, Bhagalpur, vide its letter No. 309 dated 6.12.2021, has submitted its report stating therein that charges have been framed against the petitioner on 25.2.2021 and out of seven charge sheet witnesses mentioned in the witness column of the charge sheet excluding the victim whose name has not been mentioned in the witness list by the Investigating Officer, none of them has been examined till date.

Regards being had to the submission made by the parties and taking into consideration the material on record, the fact that none of the charge witness has been examined as yet, the petitioner is in custody since 3.8.2020 and the trial is not likely to be concluded in near future due to covid-19 pandemic, I am inclined to grant regular bail to the petitioner.



Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 6th POCSO Act, Bhagalpur, in connection with Jagdishpur P.S. Case No. 188 of 2020 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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