

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21461 of 2020

Arising Out of PS. Case No.-56 Year-2019 Thana- GWALPARA District- Madhepura

CHUNCHUN SAH Son of Ganga Sah Resident of Village- Hanumannagar,
P.S.- Beldaur, Distt- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 22-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

In the instant application filed by the petitioner praying for grant of regular bail, by order dated 8.7.2020, the petitioner was directed to be enlarged on provisional bail. The order dated 8.7.2020 is quoted herein below for ready reference:

*“Heard learned counsel for the petitioner and
learned APP for the State through video conferencing.*

*The petitioner who is in custody since 24.03.2019
has filed the instant application for grant of bail in
connection with POCSO Case No. 23 of 2019 arising
out of Gwalpara P.S. Case No. 56 of 2019 (District-
Madhepura) registered under sections 363, 366(A),*



376 and 34 of the Indian Penal Code and section 4 of the POCSO Act.

As per the allegation in the FIR, minor daughter of the informant was found missing. It is submitted that on search being conducted it transpired that she was on telephonic conversation with the petitioner. As such a suspicion was raised that it was the petitioner who had taken her away.

It is submitted by learned counsel for the petitioner that the application for bail of the petitioner was earlier rejected vide order dated 16.10.2019 (Annexure-1) passed in Cr. Misc. No.44693 of 2019 giving liberty to the petitioner to renew his prayer for bail on completion of one year in custody. It is submitted by learned counsel for the petitioner that the petitioner is in custody since 24.3.2019.

Having heard learned counsel for the parties and taking into consideration the liberty granted by the aforesaid order dated 16.10.2019, the Court is inclined to enlarge the petitioner on provisional bail. During pendency of this application, the petitioner is directed to be enlarged on provisional bail in connection with POCSO Case No. 23 of 2019 arising out of Gwalpara P.S. Case No. 56 of 2019 (District-



Madhepura) on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the learned Additional Session Judge -1st -cum-Special Judge, Madhepura.

Put up this case on 21.9.2020 under the appropriate heading.

It is directed that soon after normal functioning of the Court is restored and before the next date, learned counsel for the petitioner shall remove the defects pointed out by the stamp reporter.”

Learned counsel for the petitioner submits that pursuant to the aforesaid order dated 8.7.2020, the petitioner was enlarged from custody. Further, as directed by the said order, all the defects have been removed and the case is defect free. As such, it is prayed that the provisional bail granted to the petitioner be confirmed.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made, the provisional bail granted to the petitioner vide order dated 8.7.2020 passed in the instant case in connection with POCSO Case no.23 of 2019, arising out of Gwalpara P.S. Case no.56 of 2019 (District



Madhepura) is hereby confirmed on the same terms and conditions to the satisfaction of learned Additional Sessions Judge 1st -cum-Special Judge, Madhepura.

(Partha Sarthy, J)

Saurabh/-

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