

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25941 of 2023

Arising Out of PS. Case No.-161 Year-2019 Thana- MAJORGANJ District- Sitamarhi

BHOLA THAKUR @ HARICHANDRA THAKUR @ HARISCHANDRA
THAKUR SON OF LATE RAJENDRA THAKUR RESIDENT OF VIL-
LAGE - MAHNI MANDAL, PS- SUPPI, DISTT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Madhubala Verma

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-06-2023 Heard the parties.

Petitioner has renewed his prayer for regular bail in connection with Majorganj P.S. Case No. 161 of 2019 dt- 19.09.2019 registered under Section 363, 366(A) of the IPC inasmuch earlier bail application of the petitioner was rejected vide Cr. Misc. No. 26429 / 2020 and Cr. Misc. No. 42507 / 2021 by order dated 05-12-2020 and 18-08-2021 respectively.

The allegation as per the First Information Report is that the minor daughter of the informant aged about 16 years was abducted by the petitioner and others.

This is third attempt for bail on behalf of the petitioner inasmuch as on earlier two occasions prayer for bail was rejected vide Cr. Misc. Nos. 26429 / 2020 & 42507 / 2021 re-



spectively. While rejecting the bail application on the last occasion this court had given liberty to the petitioner to renew his prayer for bail after one year if the trial does not show any progress.

As per the earlier observation the petitioner has renewed his prayer for bail and it has been submitted by learned counsel for the petitioner that despite the order passed by this Court the trial has not concluded and all the prosecution witnesses have not been examined. Learned counsel further submits that petitioner is in custody since 28.10.2019 i.e. for almost three years eight months.

This Court vide order dt- 19.04.2023 had called for a report from the court below regarding the present stage of the trial and in pursuance thereof learned Addl. Sessions Judge VI cum Special Judge, POCSO, Sitamarhi vide letter no. 74 dated: 25th April, 2023 has furnished the report and from perusal of the same it transpires that out of nine charge sheeted witnesses, five witnesses have been examined and four witnesses are yet to be examined.

Regard being had to the submission made by learned counsel for the petitioner, taking into consideration the period of custody of the petitioner, the fact that trial has not progressed



substantially and there is no likelihood that the petitioner will abscond or tamper with the evidence, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10000 /- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO Act), Sitamarhi in connection with Majorganj P.S. Case No. 161 of 2019 on the condition that the petitioner shall remain physically present on each and every date during the course of trial and in case of default on two consecutive dates his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

praful/-

U		T	
---	--	---	--

