

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27533 of 2023

Arising Out of PS. Case No.-318 Year-2022 Thana- BARSOI District- Katihar

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1. MD. SARIF S/O AKHTAR HUSSAIN Resident of Village- Jokalbari, P.S.- Barsoi, (O.P. Kachan), District- Katihar.
 2. ALLAUDIN S/O AKBAR ALI Resident of Village- Jokalbari, P.S.- Barsoi, (O.P. Kachan), District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh
For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. This application has been filed on behalf of the petitioners for quashing the order dated 24.02.2023 passed by ADJ-VII-cum-Special Judge, POCSO, Katihar in connection with G.R. No. 5804 of 2022 arising out of Barsoi (Kachna) P.S. Case No. 318 of 2022.

3. Learned counsel for the petitioners submits that the petitioners were charge-sheeted on 91st Day.

4. Learned counsel for the informant has also calculated the same and he very fairly submits that the date of submission of charge-sheet was on the 91st Day.



5. Once the charge-sheet was not submitted on the 90th Day, the right default of bail had accrued to the petitioners and the same cannot be denied to the petitioners after submission of charge-sheet.

6. In view of the above, this application is allowed.

7. Accordingly, the order dated 24.02.2023 passed by ADJ-VII-cum-Special Judge, POCSO, Katihar in connection with G.R. No. 5804 of 2022 arising out of Barsoi (Kachna) P.S. Case No. 318 of 2022 is hereby quashed.

8. The trial Court is directed to release the petitioners, above named, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ-VII-cum-Special Judge, POCSO, Katihar / concerned Court below in connection with G.R. No. 5804 of 2022 arising out of Barsoi (Kachna) P.S. Case No. 318 of 2022.

(Sandeep Kumar, J)

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