

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42887 of 2023

Arising Out of PS. Case No.-39 Year-2022 Thana- DIGHA District- Patna

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Jitendra Kumar @ Kunkun Son of Shivji Rai @ Shivji Singh, Resident of
village - Sahdulapur, Mahnar Road, P.S.- Ganga Bridge, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Parashuram Singh, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 19-07-2023 1. Heard learned counsel for the petitioner and the learned
APP for the State.
2. This is a second attempt by petitioner Jitendra Kumar @
Kunkun for the reilef of regular bail in connection with Special
POCSO Case No. 75 of 2022 arising out of Digha P.S. Case No.
39 of 2022 dated 19.01.2022 registered for the offences
punishable under Sections 363 and 366(A) of Indian Penal
Code, in which the petitioner has been languishing in jail since
18.06.2022.
3. Mr. Parashuram Singh, learned counsel appearing for the
petitioner submits that the petitioner earlier preferred Cr. Misc.
No. 56536 of 2022 for the relief of regular bail which was
rejected by this Bench with a liberty given to the petitioner to
renew his bail prayer after 4 months, if his trial is not completed

in the said period and that order was passed on 21.02.2023 and petitioner's trial is still running despite the lapse of 4 months after the passing of the same. It is further submitted that even though all the prosecution witnesses have been examined but there may occur some delay in concluding the petitioner's trial as petitioner's statement is yet to be recorded as well as defence evidence is also to be given and moreover, petitioner is 26 years old person having fair and clean antecedent and has been languishing in jail since 18.06.2022.

4. Learned APP for the State opposes the bail prayer of the petitioner.

5. Heard both the sides. Though, there is serious allegation against this petitioner but he has come again before this Court in the light of liberty given to him in the order dated 21.02.2023 passed in Cr. Misc. No. 56536 of 2022 which was preferred by this petitioner for the same relief and despite the lapse of 4 months after the passing of that order, the petitioner's trial is still running and in view of the above submissions, there might occur some delay in the completion of the petitioner's trial and petitioner is a young person having fair and clean antecedent, in my opinion, in the present circumstances, a lenient approach can be taken in respect of petitioner's prayer. Accordingly, let the

petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with **Digha P.S. Case No. 39 of 2022.**

(Shailendra Singh, J)

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