

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69989 of 2022

Arising Out of PS. Case No.-501 Year-2020 Thana- PURNEA SADAR District- Purnia

1. MD.KAMAL S/o Salim @ Shah R/v- Chouhar Toli, Lakri Patti, Khushkibag, Purnea, P.S.- Sadar, District- Purnea
2. MD. JAMAL S/o Noor Alam R/v- Chouhar Toli, Lakri Patti, Khushkibag, Purnea, P.S.- Sadar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad
For the Opposite Party/s : Mr.Murli Dhar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 29-04-2023 Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

The petitioners are seeking regular bail in connection with Sadar P.S. Case No. 501 of 2020, registered for the offences punishable under Sections 363, 366A of the Indian Penal Code.

At the very outset, the learned counsel for the petitioners has submitted that the statement of the victim was recorded under Section 164 of the Cr.P.C. There is no allegation against the petitioners of committing rape. That allegation is only against co-accused Mir Munna. So far as these petitioners are concerned, their case is similar to the case



of co-accused Md. Nihal @ Md. Nehal, who has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 72432 of 2022 and the petitioners are under custody since 30.05.2022.

On the other hand, the learned APP has opposed the prayer for bail.

Considering the above-mentioned facts and circumstances, let the petitioners above-named be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Act, Purnea in connection with Sadar P.S. Case No. 501 of 2020, subject to the following conditions:-

- (i) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.
- (ii) If the petitioners are found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioners and the learned court below will take decision in accordance with law.



(iii) The petitioners shall remain present physically before the court below on each and every date till framing of the charges.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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