

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1783 of 2023

Arising Out of PS. Case No.-4 Year-2021 Thana- BAKHTIYARPUR District- Patna

Sanjay Kumar S/O Kamleshwar Chourasiya Resident of village- Hakikatpur,
P.S.- Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Adv.

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 08-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bakhtiyarpur P.S. Case No. 04 of 2021 lodged under Sections
354(C)/ 376/511 of the I.P.C. read with Sections 8 & 12 of
POCSO Act.

Learned counsel for the petitioner submits that the
bail application of the petitioner was earlier rejected vide order
dated 06.09.2022 passed in Cr. Misc. No. 22794 of 2022. It has
been submitted by the counsel for petitioner that Section 35(2)
of the POCSO Act states that Special Court shall complete the
trial within the period of one year from the date of taking

cognizance of the offence. In this case, the cognizance has been taken on 02.11.2021. As such one year has been completed on 03.11.2022. But from the report of the Special POCSO Court, dated 21.01.2023 that all the prosecution witnesses have been examined in this case. The statement of accused under Section 313 of Cr.P.C. has been recorded and case is pending for defence evidence in which the next date is fixed on 25.01.2023.

Learned counsel for the State opposes the prayer for bail.

In the light of the said report, evidence of the prosecution witness has already been completed. No purpose shall be served keeping petitioner in custody.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge-VI-cum-Special Judge, POCSO Act, Patna in connection with Bakhtiyarpur P.S. Case No. 04 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall

appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

prakashmani/-

U			
---	--	--	--