

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39366 of 2024

Arising Out of PS. Case No.-186 Year-2022 Thana- BHAWANIPUR District- Purnia

CHHOTU KUMAR SON OF LATE SITA RAM MANDAL @ CHUNO
MANDAL RESIDENT OF VILLAGE - SRIPUR, P.S. - BHAWANIPUR,
DISTRICT - PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-08-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for bail in connection with Sessions Trial no.658 of 2023 (arising out of Bhawanipur P.S. Case no.186 of 2022) registered under sections 363, 366A, 368 and 34 of the Indian Penal Code to which section 8 of the POCSO Act was added subsequently.

3. As per the prosecution case, the minor daughter of the informant who had gone out to ease herself was kidnapped by three named accused persons including the petitioner herein.

4. Learned counsel for the petitioner submits that earlier prayer for bail of the petitioner was rejected vide order dated 7.3.2024 passed in Cr. Misc. no.79280 of 2023. In spite of



the petitioner being in custody since 25.9.2023 and cooperating in the trial, the trial has not proceeded and there is no chance of the same concluding in the near future. The petitioner undertakes to cooperate in the trial and to abide by the conditions which may be laid by this Court for his release on bail.

5. The application for bail is opposed by learned A.P.P. for the State.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 20.7.2024 of the 2nd Additional District and Sessions Judge, Purnea, charge has been framed on 6.1.2024 (wrongly mentioned as 1.6.2024 in the letter). It further states that summons were issued against the witnesses on 17.1.2024, bailable warrants issued on 18.6.2024 and non-bailable warrants issued on 12.7.2024. However, not one out of the seven witnesses has appeared on behalf of the prosecution nor examined in the trial.

7. Having heard learned counsel for the parties and having perused the material on record specially none of the witnesses being produced on behalf of the prosecution inspite of issuance of summons, bailable warrants and non-bailable



warrants together with the petitioner having remained in custody since 25.9.2023, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.658 of 2023 (arising out of Bhawanipur P.S. Case no.186 of 2022) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge, Purnea.

(Partha Sarthy, J)

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