

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42639 of 2024**

Arising Out of PS. Case No.-325 Year-2019 Thana- SHAHKUND District- Bhagalpur

MANGAL KUMAR @ MANGAL S/O TUTAL MANDAL R/O VILLAGE-
PAIRDOMANIYAMAL, P.S- SHAHKHUND, DISTT.- BHAGALPUR.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. BAMBAM MANDAL S/O LATE DHANESHWAR MANDAL R/O
VILLAGE- PAIRDOMANIYAMAL, P.S- SHAHKHUND, DISTT.-
BHAGALPUR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 09-08-2024 1. Heard the learned counsel for the petitioner and
the learned APP for the State.

2. The present petition is by way of second
attempt at the behest of the petitioner for grant of regular bail
in connection with Sahkund P.S. Case No.325 of 2019 for the
offences punishable under Sections 354(B), 452 of the Indian
Penal Code, Section 8 of the POCSO Act and Section
25(1-b)a, 26 of the Arms Act.

3. The learned counsel for the petitioner has
submitted that the petitioner was granted the privilege of bail
by this Court by an order dated 25.11.2020, passed in
Cr.Misc.No.30320 of 2020, whereafter he was released on bail



in the month of November, 2020, itself and thereafter, he had been appearing before the learned trial Court on each and every date, so fixed in the ongoing POCSO Case No.176 of 2019, however, on account of his advocate having not appeared before the learned trial Court on 18.07.2022, the bail bonds were cancelled and the petitioner was directed to be taken into custody, whereupon he was arrested on 09.01.2023 and since then he is languishing in custody. The learned counsel for the petitioner has further submitted that right from the month of November, 2020, upto the period prior to the month of the January, 2023, the petitioner had sincerely been appearing before the learned trial Court without any default, however, on account of the learned advocate of the petitioner being not present in the Court, the bail bonds of the petitioner were cancelled by an order dated 18.07.2022, hence a sympathetic view be taken and the petitioner be granted the privilege of bail inasmuch as he has already been suitably punished on account of his incarceration during the interregnum period. It is also contended that the petitioner undertakes to appear before the learned trial Court on each and every date so fixed by the learned trial Court.

4. Per contra, the learned APP for the State has



vehemently opposed the prayer for bail.

5. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that the petitioner has already been suitably punished for his default, inasmuch as, he is in custody since 09.01.2023, hence I deem it fit and proper to admit the petitioner to the privilege of regular bail, however, subject to the condition that henceforth, he shall appear before the learned trial Court on each and every date, so fixed, in the aforesaid POCSO Case No.176 of 2019.

6. Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned VIIth Additional District Judge-cum-Special POCSO Judge, Bhagalpur, in connection with POCSO Case No.176 of 2019, arising out of Shahkund P.S. Case No.325 of 2019.

(Mohit Kumar Shah, J)

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