

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50704 of 2024

Arising Out of PS. Case No.-83 Year-2019 Thana- BAKHTIYARPUR District- Patna

Abhimanyu Kumar @ Phonu Kumar @ Phonu Singh Son Of Kamakhya Singh @ Kamakhya Narayan Singh Village- Dedaur, Ps-Bakhtiyarpur, Dist-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 27-09-2024 Heard Mr. Yogesh Chandra Verma, learned senior counsel appearing for the petitioner and Mr. Bhanu Pratap Singh, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 30.07.2021 in connection with POCSO Case No.12 of 2022 arising out of Bakhtiyarpur P.S. Case No.83 of 2019 F.I.R. dated 10.03.2019 registered for the offence punishable under Section 366 A of Indian Penal Code.

3. Earlier the prayer for bail of the petitioner was rejected vide order dated 23.08.2023 passed in Cr. Misc. No.44092 of 2023.

4. Learned counsel for the petitioner submits that the petitioner is in custody since 30.07.2021 and the trial is not in progress.



5. Vide order dated 12.07.2024, a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 02.09.2024 reveals that the charge has been framed against the petitioner on 14.09.2022 and summons have already been issued for prosecution witnesses on 24.09.2022, 14.10.2022 and now on 29.08.2023 and up-till-now not a single witness has been produced by the prosecution in this case.

6. Learned counsel appearing for the petitioner submits that in view of the report of the learned Trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 30.07.2021.

7. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one but he fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the bail petition.

8. Considering the aforesaid fact, report of the learned Trial Court and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Session Judge-VI- cum-



Special Judge POCSO Patna in connection with POCSO Case No.12 of 2022 arising out of Bakhtiyarpur P.S. Case No.83 of 2019 ,with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-Harshita

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