

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31880 of 2025

Arising Out of PS. Case No.-276 Year-2017 Thana- BOCHAHAN District- Muzaffarpur

1. Navin Kumar @ Navin Kumar Suman @ Naveen Kumar S/o- Dilip Kumar Suman @ Dilip Sahni Vill- Muradpur PS-Bochchahan Bochacha Distt- Muzaffarpur
2. Dilip Kumar Suman @ Dilip Sahni S/o- Late Mahendra Sahni Vill- Muradpur PS-Bochchahan Bochacha Distt- Muzaffarpur
3. Shobha Devi W/o- Dilip Kumar Suman @ Dilip Sahni Vill- Muradpur PS- Bochchahan Bochacha Distt- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Punam Kumari D/o- Mahesh Sahni Village- Patiyasha Ps- Ahiyapur Dist- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore Alias Kundan Kumar, Adv
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 20-05-2025 Heard learned Counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The petitioners seeks regular bail in connection

with Bochchahan/Bochaha Town P.S. Case No. 276 of 2017

registered for the offence under Sections 420, 376 of the

IPC and under Section 4 of the POCSO Act, 2012.

3. The present application is the second regular

bail application by petitioner no. 1 and the first regular bail

application of petitioner nos. 2 and 3.

4. Learned counsel for the petitioners submits that petitioner no. 1 was earlier granted bail by this Hon'ble Court vide order dated 03.07.2020 passed in Cr. Misc. No. 18250 of 2020. Petitioner nos. 2 and 3 were granted anticipatory bail by learned court below on 20.01.2018. He further submits that it was on account of confusion that the petitioners could not appear before the learned court below and as such their bail bonds were cancelled. Learned counsel for the petitioner further submits that since the matter was compromised between the parties on 27.02.2020 and it was brought before the learned court below, however, the petitioners could not comprehend that they ought to have appeared thereafter before learned court below and on such ignorance their bail bonds have been cancelled. He further submits that there is no deliberate attempt to evade from the laws of the land.

5. Learned counsel for the petitioner further submits that on coming to know about the processes being issued under Sections 82 and 83 of the Cr.P.C, the petitioners had immediately surrendered before the learned court below and they are in custody since 17.04.2025.

6. Learned APP for the State has opposed the prayer for bail and has stated that the petitioners have evaded for four long years and they should not be released on bail.

7. Considering the aforesaid facts and circumstances and taking into account the submissions made by the learned counsel for the petitioners, I am not inclined to grant bail to the petitioners as of now.

8. However, the petitioners shall be released on bail once the **charges are framed** in the present case by the learned court below, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court of District & Addl. Sessions Judge 6-Cum- Special Judge, POCSO Act-I, Muzaffarpur/concern court, Muzaffarpur in connection with Bochaha P.S. Case. No. 276 of 2017, subject to the conditions that:

a. One of the bailors of the petitioners shall be their close relative.

b. The petitioners shall remain physically present in Court on each date of trial.

c. In case of absence on two

consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioners in similar nature of offence, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.

d. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. 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.

9. The bail application stands disposed of.

(Sourendra Pandey, J)

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