

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60707 of 2024

Arising Out of PS. Case No.-273 Year-2019 Thana- LAKHISARAI District- Lakhisarai

Manohar Kumar, Son of Balmiki Saw, Resident of Village - Bholatola, Ward
No. 02, Police Station - Lakhisarai, District - Lakhisarai

... .. Petitioner

Versus

1. The State of Bihar
2. Kamal Kumar, Son of Not Known, Resident of Village - Bholatola, Ward
No. 02, Police Station and District - Lakhisarai

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

10 18-08-2025 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State duly assisted by

learned counsel appearing for the informant/O.P. No.2.

2. It is submitted by learned counsel appearing for

the petitioner that the prayer of bail of this petitioner was

rejected by one of the learned co-ordinate Bench of this Court

on earlier occasion through Cr. Misc. No.74548 of 2023 dated

22.01.2024. It is further submitted that present petition is

the second successive bail petition of petitioner.

3. The petitioner is named in the FIR and remains

in custody since 28.06.2023.

4. It is submitted by learned counsel appearing for



petitioner that despite of rejection of earlier bail on 22.01.2024, as submitted aforesaid, and despite remaining in custody for more than two years and two months, not even a single prosecution witness was examined in this matter and certainly, the petitioner cannot be kept behind bar for indefinite period in want of trial. It is submitted that the timeline of one year as to conclude trial in view of Section 35(2) of the POCSO Act crossed much earlier. It is further submitted that there is no chance to conclude the trial in near future. While concluding argument, it is submitted that the speedy trial is the fundamental right of petitioner. In support of his submission, learned counsel has relied upon legal report of Hon'ble Supreme Court as available through **Hussainara Khatoon & Ors vs. Home Secretary, State of Bihar** reported in **(1980) 1 SCC 98**.

5. Learned APP duly assisted by learned counsel appearing for the informant could not disputed the aforesaid factual aspect *qua* custody and progress of trial.

6. A report was called for from the trial court in terms of order dated 21.07.2025 regarding stage of the trial,



in furtherance of which, it was informed to this Court through Letter No.81 of 2025 dated 23.07.2025 by learned trial court that the charge in this matter was framed against accused/petitioner on 09.01.2025 and till then matter is pending for prosecution evidence and not even a single prosecution witness was examined till date.

7. Considering the aforesaid, as petitioner remains in custody for more than two years i.e. since 28.06.2023 with almost no progress in trial, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-cum-Special Judge, POCSO, Lakhisarai in connection with Lakhisarai P.S. Case No.15 of 2019, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS') and with further conditions:-

(i) That petitioner shall co-operate in the trial and shall be physically present on each



and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(ii) That the petitioner shall not make any deliberate attempt to delay the trial failing which, the prosecution/State shall be at liberty to press petition before the learned trial court itself for cancellation of bail bonds of the petitioner.

(Chandra Shekhar Jha, J.)

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