

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61909 of 2025

Arising Out of PS. Case No.-99 Year-2023 Thana- MAHILA P.S. District- Patna

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Mohan Singh @ Mohan Kr. Singh S/o- Late Rai Bahadur Singh Resident of
Navtol Patori PS- Bihra District- Saharsa, A/P- Shiv Jyoti Apt. Flat No-308,
R.K Puram Ps- Danapur Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sudha Kumari W/o- Sanjay Kumar F.No-102, Block-A, Dream Jewel Apt.
R.K Puram Saguna, PS Danapur, Dist- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Kanchan Kr Singh, Advocate Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s :		Mr. Braj Kishore Pd., APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 09-01-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Special
POCSO Case No. 258 of 2023, arising out of Mahila P.S. Case
No. 99 of 2023 instituted for the offence under Sections 376 of
the IPC and 4/6 of the POCSO Act.

3. Earlier vide order dated 05.12.2024 passed in Cr.
Misc. No. 70104 of 2024 regular bail of the petitioner was
rejected by this Court considering the nature and gravity of
offence.

4. Learned counsel for the petitioner submits that the



present one is the second attempt for grant of regular bail to the petitioner. It is mainly submitted that only two witnesses including the medical officer and one independent witness are left for examination. It has been submitted on behalf of the petitioner that the petitioner is in custody since 02.10.2023. Learned counsel further submits that there is no likelihood of the trial being concluded in the near future as no witness has been examined in this case after 02.09.2025. Learned counsel goes on to submit that the continued incarceration of the petitioner without conclusion of trial amounts to a gross violation of the fundamental right guaranteed under Article 21 of the Constitution of India, which is reiterated by Hon'ble Apex Court in plethora of judgments.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and taking into account the fact that continued detention of the petitioner would serve no purpose other than punitive pretrial incarceration, which is antithetical to the spirit of Article 21 of the Constitution of India, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Special POCSO Case No. 258 of 2023, arising out of Mahila P.S. Case No. 99 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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