IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77940 of 2026

CNR No. BRHC011084612026

Arising Out of PS. Case No.-29 Year-2020 Thana- MAHILA P.S. District- Araria

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KABIR @ MD. KABIRUDDIN @ KABIRUDDIN S/o Hashim @ Late Hasib R/o vill - Safipur, ward no. 4, Panchayat- Gaira, P.S.- Araria, Distt.- Araria

... ... Petitioner/s

Versus

1. The State of Bihar
2. XXX W/o YYY R/o vill - Safipur, ward no. 8, P.S. and Distt.- Araria

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Md Naushaduzzoha
For the Opposite Party/s : Mr.Shantanu Kumar

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

2 04-11-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 341, 323, 354A, 354B, 379, 34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. This is a case of misuse of bail earlier granted to him.

4. Learned counsel for the petitioner submits that the present case relates to misuse of the privilege of bail as the bail rejection order itself discloses that the charges were framed on 21.07.2025 and thereafter on six dates, he kept on filing representation and remained absent. Finally, on 10.06.2026, when the prosecution witness was produced his bail bond was

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cancelled as he was absent on the said date also. Originally the case was lodged under the provisions of the POCSO Act but it has been submitted and this Court has been taken through the certified copy of the order sheet to show that neither the cognizance nor the charges are under the provisions of the POCSO Act rather the charges have been framed under Section 354 and other Sections of the IPC. The petitioner is in custody since 27.09.2026 and he undertakes to appear on each and every date fixed in the trial.

6. Taking into consideration the facts and circumstances and also considering the fact that the petitioner has now remained in custody for over a month and he undertakes to appear on each and every date and cooperate in the trial, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Araria Mahila P.S. Case No. 29 of 2020, subject to the conditions that:

(I) One of the bailors would be the close relative of the petitioner.

(II) The petitioner would appear physically on

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each and every date in the learned court below and would cooperate in the conclusion of trial and if in case of none appearance on even a single date without sufficient reason would entail cancellation of his bail bonds.

(Soni Shrivastava, J)

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