

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78057 of 2025

Arising Out of PS. Case No.-264 Year-2018 Thana- ITARHI District- Buxar

Suraj Pasi @ Suraj Kumar Choudhary Son of Kameshwar Pasi @ Kameshwar Prasad @ Kameshwar Choudhary Resident of Village - Kukurha, P.S.- Itarhi, District – Buxar Petitioner/s

Versus

1. The State of Bihar
2. Sudama Ram Son of Shri Ram Prakash Ram Resident of Village - Kukurha, P.S.- Itarhi, District - Buxar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyapal Singh, Adv.
For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 19-03-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody in connection with POCSO Case No. 56/2018 arising out of Itarhi P.S. Case No. 264 of 2018 for the offence punishable under section 376 of the IPC read with section 4 of the POCSO Act lodged on 10.10.2018, by the informant.

3. Earlier on 18.04.2019, the petitioner was granted bail by this Court in Cr. Misc. No. 8162 of 2019 and due to non appearance on certain dates, his bail bond was cancelled on 27.07.2022 and again on 15.05.2023, almost after ten months, the petitioner surrendered and he was again granted bail subject to the condition of his physical presence on each and every date but again the petitioner left doing *pairvi* of his case, the learned trial court again got his bail dismissed on 01.03.2025.



4. Learned counsel for the petitioner submits that appearance on the respective dates as referred in paragraph-11 of the present petition, could not be made because the petitioner had gone out of station for earning his livelihood. Now, the petitioner undertakes that he would be ensuring his appearance on each and every date and in case of any default, his bail bond shall be liable to be cancelled. It has next been submitted that no positive finding had come in respect of the commission of rape owing to which, the petitioner was granted bail in the instant case and the learned APP, at this stage submits that the stage of trial was called for and out of 7 witnesses, 5 witnesses have been examined and one witness who is Investigating Officer is likely to be examined.

5. Considering the fact that the petitioner was granted bail in the year 2019 itself and due to non appearance, his bail bond was cancelled and now he is in custody since 04.06.2025, only two witnesses are to be examined and also considering the undertaking given by the petitioner that he would ensure his appearance on each and every date and in case of any default, his bail bond shall be liable to be cancelled, this Court is inclined to extend him the privilege of bail.

6. Let the petitioner, above named, be released on



bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge POCSO, Buxar, in connection with aforesaid PS Case, subject to the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his/their bail bonds.

(Ajit Kumar, J)

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