

IN THE COURT OF ADDITIONAL SESSIONS JUDGE VIth -CUM-SPL. JUDGE POCSO, PATNA
Special No.- 93/2018

Bhola Kumar

Petitioner

Versus

State of Bihar

Prosecution

**Sr.
No.**

Date

Order with signature of the Court

**Office Action/s
taken with
Date**

28-02-2024

A bail application has been filed yesterday on behalf of petitioner namely **Bhola Kumar**, S/o Anand Singh in connection with Mokama P.S. Case No.122/2018 dated 18.05.2018 registered under Sections 354(D)/34 of IPC and Sec.4, 6 of POCSO Act has been pressed today by the learned counsel for the petitioner. A copy of the same has already been served to Learned Special PP for the State.

The accused-petitioner is in custody since 21.02.2024.

Heard Shri Saurav Rai, Learned Counsel for the petitioner and Shri Suresh Chandra Prasad Learned Special PP for the State.

The learned Counsel for the petitioner has submitted that the petitioner is innocent and committed no offence. It has further been submitted that the petitioner has no criminal antecedents. It has further been submitted that the petitioner was previously granted bail by the Hon'ble High Court, Patna vide order dated 06.09.2018 passed in Criminal Miscellaneous No.37704 of 2018. It has further been submitted that the petitioner was regular in attendance. It has further been submitted that the record was pending for framing of charge but due to fault of Advocate Clerk, no pairvi was done on behalf of the petitioner and the bail bonds of the petitioner was cancelled by this Court on 24.01.2019 and non-bailable warrant was ordered to be issued against the petitioner. It has further been submitted that there was no willful or deliberate latches on the part of the petitioner. It has further been submitted that as soon as the petitioner came to know about the present position of the case, the petitioner has suo motu surrendered before this Court on 21.02.2024 and since then he is in custody. It has further been submitted that the petitioner had gone to Delhi for earning his livelihood. It has further been submitted that the petitioner has not misused the privilege of bail knowingly or deliberately and will not misuse the same in the

IN THE COURT OF ADDITIONAL SESSIONS JUDGE VIth -CUM-SPL. JUDGE POCSO, PATNA
Special No.- 93/2018

Contd.....
(28-02-2024)

future. Lastly, it has been submitted that co-accused Gaurav Kumar has been granted bail by this Court on 17.01.2024 and the case of the petitioner stands on similar footing. The petitioner undertakes to appear on each and every date in future and is ready to furnish the bail bonds and on these grounds, prayed for privilege of bail.

Learned Special PP has opposed the prayer of bail of the petitioner contending that there are deliberate latches on behalf of the petitioner.

Heard Learned Counsel for the petitioner, Learned Special PP for the State and perused the record. From perusal of the materials available on record, it is apparent that the petitioner was previously on bail in the case. The case was fixed for framing of charge and on repeated calls, no one turned up, the bail bonds of the petitioner was cancelled on 24.01.2019. No service report of the non-bailable warrant and process under Section 82 of Cr.P.C. issued against the accused-petitioner has been received yet. The petitioner has surrendered voluntarily before this Court on 21.02.2024 and since then he is in custody. The petitioner undertakes to appear physically on each and every date and to do proper pairvi in future. Furthermore, the case of the petitioner is identical to that of co-accused Gaurav Kumar who has been granted bail earlier by this Court.

In view of the aforesaid facts and circumstances of the case, the submissions made hereinabove and the petitioner was previously on bail, the bail application of the petitioner namely **Bhola Kumar** is hereby **allowed**. The petitioner is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of this Court with the conditions that one of the bailors shall be close relative of the petitioner and the petitioner shall remain physically present on each and every date before this Court.

The order is dictated and corrected by me.

Sd/.

A.D.J. VIth -cum- Excl. Spl. Judge POCSO, Patna
Dated:- 28.02.2024.

