

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14764 of 2016

Arising Out of PS.Case No. -430 Year- 2013 Thana -GAYA KOTWALI District- GAYA

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Sharwan Kumar, Son of Shiv Shankar Yadav @ Shankar Yadav Resident of
Mohalla - Bangala Sathan, P.S. Kotwali, District - Gaya

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Kumar Saxena, Advocate.

For the Opposite Party : Mr. Indu Kumari Srivastava(APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 06-04-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner wants to renew his prayer of bail which was earlier rejected by order dated 24.02.2016 passed in Cr. Misc. No. 58460 of 2015 in the light of observation that the petitioner may renew his prayer of bail after examination of victim girl during trial and now the victim girl has already been examined as P.W.4 in POCSO Case No. 61 of 2015 wherein during cross-examination the victim girl has stated that the petitioner who is standing in the Court was not involved in the occurrence and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. submits that in examination-in-chief the petitioner has been named but during cross-examination the victim has turned hostile on the point of identification.

In the facts and circumstances stated above, now the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge (POCSO Act), Gaya, in connection with Kotwali P.S. Case No.430 of 2013, subject to conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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