

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58135 of 2015

Arising Out of PS.Case No. -41 Year- 2015 Thana -KHAGAUL District- PATNA

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1. Pramod Kumar Ram @ Pramod Ram @ Pramod Kumar S/o Late Sheo Prasad Das, Resident of Village- Khagoal Lock Jhoparpatti, P.S.-Khagoal, District- Patna..... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh

For the Opposite Party/s : Mr. Madan Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 19-02-2016 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner seeks bail in connection with Khagoal P.S. Case No. 41 of 2015 registered for the offence punishable under Section 377 of the Indian Penal Code.

Allegedly, Azad @ Battakh, the son of the informant, was mentally ill and the petitioner used to take away him and further someone saw the petitioner committing unnatural sex with him and on 13.03.2015 Azad @ Battakh went with the petitioner but did not return.

Submission is of false implication and that the victim boy was mentally weak, after two days he had returned himself, the informant has lodged this case under confusion, there is no eye witness of the occurrence and now good sense has prevailed between the parties and compromise petition has been filed in the learned court below.

Learned counsel for the informant submits that it is true that

the informant has filed compromise petition. The learned APP submits that two abrasions were found on the person of the victim and further opinion has been kept reserved till the report received from the Radiology Department, PMCH which is still awaiting.

In the facts and circumstances stated above, considering that the informant is now retracting from her earlier version as such, 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 the like amount each to the satisfaction of the learned Additional Sessions Judge 1st, Danapur in connection with Khagoal P.S. Case No. 41 of 2015, subject to the conditions that one of the bailors must be a 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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