

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20492 of 2016

Arising Out of PS.Case No. -467 Year- 2015 Thana -KANTI District- MUZAFFARPUR

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1. Jagdish Sah son of Gonaur Sah, Resident of Village Vishwanathpur P.S.
Kanti O.P. Panapur District Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar

For the Opposite Party/s : Mr. Satyaverat Verma (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 30-06-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Kanti P.S.
Case No. 467 of 2015 registered for the offences punishable under
Section 377 of the Indian Penal Code and Sections 8, 10 of
POCSO Act.

Allegedly, the petitioner was committing unnatural
offence with the son of the informant and in the meantime, Dhiraj
Kumar, the youngest son of the informant arrived there and then
the victim boy was brought from there and the petitioner fled
away.

Submission is of false implication and that first
information report was lodged after delay of four days, now the

case has been compromised and compromise petition has also been filed in the learned court below, the petitioner is suffering in custody since 11.03.2016 and, as such, he deserves sympathetic consideration to which the learned A.P.P. opposes by submitting that the victim boy in his statement recorded under Section 164 of the Cr.P.C. has supported the allegation of unnatural offence and the doctor has also opined that sexual abuse cannot be ruled out.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, at present I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Kanti P.S. Case No. 467 of 2015 pending in the Court of learned 1st Additional Sessions Judge-cum-Special Judge POCSO Act, Muzaffarpur.

However, the petitioner may renew his prayer for bail after examination of the victim boy during trial.

The learned trial court is also directed to take positive steps for securing the attendance of the prosecution witnesses including the victim boy.

(Jitendra Mohan Sharma, J)

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