

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28157 of 2017

Arising Out of PS.Case No. -59 Year- 2017 Thana -BRAHMPUR District- BUXAR

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Shivji Prasad @ Bari @ Shivji Bari, son of Late Vyas Bari, resident of
Village- Brahampur, P.S.- Brahampur, District- Buxar, Bihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudha Chandra, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 09-08-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
26.02.2017 in connection with POCSO Case No. 06 of 2017,
arising out of Brahampur P.S. Case No. 59 of 2017 registered for
the offence punishable under Section 377 of the Indian Penal Code
and Section 4 of the POCSO Act.

The prosecution case, as lodged by the informant, is
that his 8 year old son, Ganesh Kumar had gone to the shop of
Sudama Sah and after return he informed that the petitioner had
committed unnatural act upon him and also gave him Rs. 50/- to
remain silent.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal history, is a man aged 62 years and has been falsely implicated. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned counsel for the informant submits that the petitioner had committed unnatural act on 8 year old son of the informant and after the local people got aggravated, he had hidden himself in the house and witnesses have supported the prosecution case, hence, vehemently opposes the prayer for bail. Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 1st, Buxar in connection with POCSO Case No. 06 of 2017, arising out of Brahmampur P.S. Case No. 59 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable properties within the jurisdiction of the concerned P.S./ Court, who would file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned Court below on each and



every date and failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Arjun/-

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