

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29077 of 2017

Arising Out of PS.Case No. -146 Year- 2016 Thana -DANAPUR District- PATNA

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Rocky Kumar Son of Basudeo Sharma, resident of Mohalla- Mainpura,
P.S.- Danapur, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 04-08-2017 Heard learned counsel for the petitioner and

the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 11.04.2017 in connection with Special (POCSO) Case No. 82 of 2016, arising out of Danapur P.S. Case No. 146 of 2016 registered for the offence punishable under Sections 377, 511 and 506/34 of the Indian Penal Code, Section 67(B) of the I.T. Act and Sections 3/ 4 of the POCSO Act.

The prosecution case, as lodged by the informant, is that the petitioner along with other co-accused has indulged in an unnatural act with the



informant's son, Bishu Kumar and had taken the video and uploaded on mobile and then made viral.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and that co-accused being juvenile had been granted the privilege of bail. He submits that the victim in his statement under Section 164 of the Cr.P.C. has not named the petitioner of committing any over act and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State vehemently opposes the prayer for bail stating therein that the petitioner along with other co-accused was involved in the alleged offence.

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 Sessions Judge 1st, Patna in connection with Special (POCSO) Case No. 82 of 2016, arising out of Danapur P.S. Case No. 146 of 2016, 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 will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J.)

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