

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26417 of 2017

Arising Out of PS.Case No. -312 Year- 2016 Thana -KAHALGAON District- BHAGALPUR

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1. Jitendra Sah @ Piyush Raj Son of Birbal Sah, Resident of Village-Shyampur, P.S.- Kahalgaon, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-07-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner is languishing in jail since 10.04.2017 in a case registered for the offence punishable under Sections 376, 323, 504/34 of the Indian Penal Code and Sections 7/8 of the POCSO Act.

The prosecution case as lodged by the informant is that the petitioner by inducing the informant and giving intoxication used to exploit her sexually and made objectionable video.

It has been submitted by the learned counsel for the petitioner that he is innocent and the victim girl in her statement under Section 164 Cr. P. C. has stated that the petitioner solemnized marriage with her. The petitioner has also been submitted that the medical report opines her age to be above of 18



years, hence, no case under POSCO Act is made out. It has further been submitted 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 submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Considering the facts and 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 1st Additional Sessions Judge, Bhagalpur in connection with Kahalgaon P.S.Case No. 312 of 2016 subject to the condition that the petitioner will co-operate during trial and directed to appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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