

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32914 of 2017

Arising Out of PS.Case No. -40 Year- 2017 Thana -SIKRAUL District- BUXAR

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Kamal Singh Son of Anil Kumar Singh @ Anil Singh Resident of Village-
Bhadar (Nawanagar), Police Station- Sikraul, District- Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Nath, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 11-08-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
15.05.2017 in connection with Sikraul P.S. Case No. 40 of
2017 registered for the offences punishable under Sections
342, 354, 354(B), 376, 376(G) and 506/34 of the Indian
Penal Code and Section 4 of the POCSO Act, 2012.

The prosecution case, as lodged by the
informant, is that while his sister had gone to take bath in
Khari, petitioner along with two others forcibly took her to
dalan of co-accused Nada Singh and Nada Singh took her
inside a room and tried to sexually assault her.

It has been submitted by the learned counsel for



the petitioner that he is innocent, no overt act has been alleged to have been committed by the victim girl in her statement under Section 164 of the Cr.P.C. against the petitioner and that both sides were on inimical terms, hence, petitioner has been falsely implicated.

However, learned A.P.P. for the State submits that one of the co-accused, Nada Singh was caught red handed and the victim girl is a minor, who has also stated in her statement under Section 164 of the Cr.P.C. that petitioner along with two others had taken her to the room of Nada Singh, but no overt act has been alleged against the petitioner and that petitioner does not have a clean antecedent, hence, 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 A.D.J. 1st, -cum- Special Judge, Buxar in connection with Sikraul P.S. Case No. 40 of 2017 on completion of six months in custody, subject to the condition that one of the bailors would be a close relative of the petitioner and that petitioner will appear before the



learned Court below as and when required and failure to appear before the learned Court below on three consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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