

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35804 of 2017

Arising Out of PS.Case No. -61 Year- 2017 Thana -KHAZANIHAT District- PURNIA

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Rajeev Kumar, son of Shri Ramcharan Bishwas, resident of Village-
Basantpur, P.S. Kasba, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Saket Tiwary, Advocate

For the Opposite Party/s : Mr. Md. Sufiyan, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 31-10-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
27.04.2017 in connection with K. Hat P.S. Case No. 61 of 2017
registered for the offence punishable under Section 377 of the
Indian Penal Code and Sections 4 and 12 of the POCSO Act,
2012.

The prosecution case, as lodged by the informant, is
that her son aged 13 years was in a boarding hostel and the
petitioner, who was a teacher in a private school, committed
unnatural act on her son, who is a Class V student.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal history and because of taking a strict attitude with the student for studies, he has been made accused for the said unnatural act. He submits that the witnesses are interested witnesses and their statement are hearsay and that students and teachers of the said school have not alleged any overt act. He submits that medical examination was done in the morning of the next day of the said occurrence and no injury has been found on the private parts of the body of the victim, although the medical report suggests that there were bruises over leg and knee. 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 A.P.P. for the State although opposes the prayer for bail, but states that other teachers and students as well as medical examination do not suggest any such unnatural act.

Considering the facts and circumstances and the materials on record and that charge-sheet having been submitted, 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-cum- Special Judge, Purnea in connection with K. Hat P.S. Case No. 61 of 2017, subject to the following conditions:

(i) Both the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating their relationship with the petitioner.

(ii) The petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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