

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44273 of 2016

Arising Out of P.S. Case No. -132 Year- 2015 Thana -IMAMGANJ District- GAYA

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1. Nagendra Baidh @ Nagendra Baidya S/o Late Madheshwar Baidh R/o
village- Bhidaha P.S.-Imamganj & District Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.

For the Opposite Party/s : Mr. Sri Sunil Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 01-03-2017 Heard learned counsel for the petitioner and learned counsel
for the State.

The petitioner is in custody in connection with Imamganj
P.S. Case No.132 of 2015 (POCSO Case No. 80 of 2015) for the
offences punishable under Section 354 of the Indian Penal Code
and Section 7/8 of the Protection of Children from Sexual
Offences Act (hereinafter referred to as the 'POCSO Act').

The allegation against the petitioner as set out in the F.I.R.
copy of which is enclosed at Annexure-2, is that when the
informant reached the room of the petitioner situated in the
temple, he found that the petitioner had undressed the pant of his
daughter. It is in consideration of the allegation that the prayer
made by the petitioner in Cr. Misc. Case No. 58077 of 2015 was



rejected on 25.1.2016 and has been renewed through this application.

It is the argument of Mr. Deepak Kumar learned counsel for the petitioner that whereas no offence under Section 7/8 of the POSCO Act is made out against the petitioner, in so far as Section 354B is concerned, the statement of the victim girl made under Section 164 of the Code of Criminal Procedure explains that the petitioner did not make any sexual assault.

The prayer is opposed by learned State counsel who submits that the prayer has earlier been rejected.

I have heard learned counsel for the parties and I have perused the records.

Vide order passed on 19.10.2016 a report was called for from the trial court and it is reported that all the prosecution witnesses except the Investigating Officer and the Doctor have been examined and that bailable warrant of arrest have been issued against them. Mr. Deepak informs that the situation remains the same as they have not turned up for examination. He further submits that the petitioner is an old man of 70 years and that he has no criminal history.

Having heard learned counsel for the parties and considering the developments noted above as also the fact that the



petitioner is in custody since 29.10.2015, let the petitioner namely, Nagendra Baidh @Nagendra Baidya be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Spl. Judge- cum- A.D.J. 1st Gaya, in connection with Imamganj P.S. Case No.132 of 2015 (POSCO Case No. 80 of 2015) subject to the condition that the petitioner shall ensure his representation before the trial court on each and every date fixed in the case and failure on the part of the petitioner to ensure his appearance on two consecutive dates fixed without reasonable explanation to the satisfaction of the trial court, would entitle the Court concerned to cancel the bail bond of the petitioner and to take him into custody.

(Jyoti Saran, J)

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