

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38567 of 2017

Arising Out of PS.Case No. -15 Year- 2017 Thana -BATH District- BHAGALPUR

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Guru Prasad Singh S/o Poshpati Prasad Singh, Resident of Village- Piprah,
P.S.- Both under O.P. Sultanganj, District- Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Raman Verma, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-08-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
10.03.2017 in connection with Bath P.S. Case No. 15 of 2017,
G.R. No. 770 of 2017 registered for the offence punishable under
Sections 376/511 of the Indian Penal Code and Section 8 of the
POCSO Act. Later on, charge-sheet has been submitted and
cognizance taken under Section 354B of the Indian Penal Code
and Section 8 of the POCSO Act.

The prosecution case, as lodged by the victim girl, is
that she is a minor aged 14 years and studying in Class IX. She
went for tuition in the house of the petitioner, who along with his



brother imparts tuition to children at his terrace. On the alleged date of occurrence, he caught hold the informant and tried to outrage her modesty, but she managed to flee away.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent, no overt act has been committed by him and considering the period of custody, a sympathetic consideration be given. 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 vehemently opposes the prayer for bail stating therein that the victim girl is a minor, who has stated in her statement under Section 164 of the Cr.P.C. that petitioner tried to commit rape on her.

Considering the facts and circumstances and the materials on record and the period of custody, 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 Special Judge, 1st Additional Sessions Judge, Bhagalpur in connection with Bath P.S. Case No. 15 of 2017, G.R. No. 770 of 2017 on completion of six months in custody, subject to the condition that one of the



bailors would be his parent and another bailor would be a close relative of the petitioner.

(Nilu Agrawal, J.)

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