

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3620 of 2018

Arising Out of PS.Case No. -154 Year- 2017 Thana -UJIYARPUR District- SAMASTIPUR

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Sudhir Kumar @ Gheena Kumar, Son of Vishwanath Rai, Resident of
Belamegh, P.S.-Ujiarpur, District-Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Braj Bhushan Mishra

For the Opposite Party/s : Mr. Sri Satyendra Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
07.09.2017 in connection with Ujiyarpur P.S. Case No.154 of
2017 for offences punishable under Sections 377/506/34 of the
Indian Penal Code and 4/6 of POCSO Act.

The prosecution case, as lodged by the informant, is
that her five year old son Monu Kumar has been taken by the
petitioner who committed unnatural act.

It has been submitted by the learned counsel for the
petitioner that the petitioner is himself a juvenile his age has been



assessed by the Juvenile Justice Board to be 17 years, six months and five days as on 01.09.2017 i.e. the date of occurrence. It is submitted that he bears no criminal history and the matter is running for evidence and that he undertakes to cooperate on a day to day basis.

However, learned APP for the State opposes the prayer for bail stating therein that the Medical Board has also opined that sodomy was committed and the victim boy is five year old.

However considering the facts that the petitioner was himself a minor on the date of occurrence, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Samastipur in connection with Ujiyarpur P.S. Case No. 154 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) 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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