

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3570 of 2018

Arising Out of PS.Case No. -2 Year- 2017 Thana -SANJHAULI District- SASARAM (ROHTAS)

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Vijay Kumar, Son of Sri Bhagwat Prasad, resident of Village- Sanjhauli,
P.S.- Sanjhauli, District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta

For the Opposite Party/s : Mr. Dr. Indivar Kumari

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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
07.01.2017 in connection with Sanjhauli P.S. Case No. 02 of 2017
for offences punishable under Sections 376(2)(h) of the Indian
Penal Code and 4/6 of POSCO Act, 2012.

The prosecution case, as lodged by the informant who
is eight year old victim Anshu Kumari, is that while she was going
along with six year old brother Aman Kumar, the petitioner called
them and committed rape on her.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history although



she has reiterated the allegations in the fardbeyan and in her statement under Section 164 of the Cr.P.C. but later on retracted from her statement before the Magistrate. He submits that he has been sufficiently punished, is in custody since more than one year and the petitioner undertakes to co-operate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, 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 Additional Sessions Judge-1, Rohtas at Sasaram in connection with Sanjhauli P.S. Case No.02 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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