

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52295 of 2018

Arising Out of PS. Case No.-259 Year-2014 Thana- VAISHALI District- Vaishali

Rajesh Kumar @ Rajaiya S/o Sri Yogendra Singh, R/o Vill.- Khedarpura, P.S.
& District- Vaishali ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Anish Chandra, Adv.

For the Opposite Party : Mr. Narendra Kumar Singh, APP 150

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-10-2018 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner had earlier moved for bail which was rejected on 15.02.2018 in Cr. Misc. No. 2896 of 2018. The petitioner is languishing in judicial custody since 14.10.2017 in connection with Vaishali P.S. Case No. 259 of 2014 for the offences alleged under Sections 377 of the Indian Penal Code and 8 and 10 of the Protection of Children from Sexual Offences Act.

The prosecution case, as lodged by the informant, is that the petitioner, who is the cousin uncle of the victim, had committed unnatural act on his eight years old nephew, Vikram Kumar, repeatedly.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that the allegation against the petitioner of recent unnatural act was of 20 days back and no explanation for such inordinate delay has been given. He submits that as per the medical report no external or internal injury has been found on the victim boy and that charges has already been framed and the petitioner is in judicial custody since nearly one year.

However, the learned Additional Public Prosecutor for the State vehemently opposes the prayer for bail.

In this regard, a report was called for from the Court of the Additional District & Sessions Judge, I, Vaishali at Hajipur, who has filed a report vide Letter No. 182/2018, dated 14.09.2018, stating therein that charges have been framed and summons issued to the remaining witnesses.

However, the bail application was earlier rejected with a liberty to renew his prayer for bail after six months, if trial is not concluded by that time.

Considering the facts and circumstances and the materials on record as well as that the trial has not yet progressed and the petitioner is languishing in judicial custody since nearly one year, let the petitioner, above named be



released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Vaishali P.S. Case No. 259 of 2014 to the satisfaction of the learned Additional Sessions Judge I-cum-Special Judge, POCSO Act, Vaishali at Hajipur, subject to the following conditions :

(i) 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.

(ii) 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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