

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61403 of 2018

Arising Out of PS.Case No. -101 Year- 2016 Thana -KASBA District- PURNIA

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1. Rupesh Das @ Rupesh Kumar, son of Sri Gopal Chandra Das, resident of village- Begum Bari, P.S.- Kasba, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh 1, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 31-10-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in **Special Case No.116 of 2018 arising out of Sessions Trial No.331 of 2017 (Kasba P.S. Case No.101 of 2016)** instituted for the offence under Section(s) 376/34 Indian Penal Code.

Counsel for the petitioner submits that petitioner is in custody since 22.05.2017.

Prayer of the petitioner for bail was earlier rejected twice by this Court lastly by order dated 22.05.2018 passed in Cr. Misc. No.18044 of 2018 and Trial Court was directed to expedite the trial. Liberty was given to the petitioner to renew his prayer for bail in the Court below itself in the event trial is not



concluded within three months.

It is alleged in the written report that petitioner was having sexual relationship with younger daughter of the informant due to which she became pregnant. The father of the petitioner gave rupees five thousand to the victim to get the abortion done.

Report of the Trial Court has been received from which it appears that trial has not been concluded. The case has been transferred to Special Court of POCSO Act on 03.08.2018 and fresh Charge for offence under Section 376 Indian Penal Code and Section 4 of the POCSO Act has been framed on 07.08.2018.

In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the **1st Additional Sessions Judge-cum-Special POCSO Act, Parea**, in connection with in **Special Case No.116 of 2018 arising out of Sessions Trial No.331 of 2017 (Kasba P.S. Case No.101 of 2016)**, subject to the condition that both the bailors shall be close relative of the petitioner.



The petitioner will remain present on each and every date of trial and his absence on two consecutive date(s) without any reasonable cause will make his bail bond liable to be cancelled. Further, the petitioner will not intimidate the witnesses of the case and will not hamper the trial.

(Sanjay Priya, J)

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