

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2896 of 2018

Arising Out of PS.Case No. -259 Year- 2014 Thana -VAISHALI District- VAISHALI(HAJIPUR)

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

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Chandra

For the Opposite Party/s : Mr. Sri Dinesh Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 15-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
14.10.2017 in connection with Vaishali P.S. Case No. 259 of 2014
for offences punishable under Section 377 of the Indian Penal
Code and Section 8 and 10 of the POCSO Act.

The prosecution case, as lodged by the informant, is
that the petitioner has repeatedly committed unnatural act on his
eight year old nephew Vikram Kumar.

It has been submitted by the learned counsel for the
petitioner that he is innocent. The allegation is 20 days back and
F.I.R. has been lodged after inordinate delay without any



explanation which falsifies the prosecution case. He submits that the petitioner is a cousin uncle of the victim and as per medical report no external or internal injury has been found on the victim. It is further submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

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

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner in connection with Vaishali P.S. Case No.259 of 2014, pending in the court of learned Additional Sessions Judge-1-Cum-Special Judge, POSCO, Vaishali at Hajipur.

The application is, accordingly, rejected. However, the petitioner is at liberty to renew his prayer for bail after six months if trial is not concluded by that date.

(Nilu Agrawal, J)

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