

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1698 of 2018

Special Case No. 4 of 2017 Arising Out of PS.Case No. -215 Year- 2016 Thana -DULHIN BAZAR
District- PATNA

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Jyotish Kumar S/o Bijay Pandit, R/o Village- Shahartelpa, P.S.- Karpi,
District- Arwal.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajay Kumar Sinha
For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 11-01-2018 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 28.12.2016 in connection with Special Case No. 4/2017 arising out of Dulhin Bazar P.S. Case No. 215 of 2016 for the alleged offences under Section 366A IPC and later added Section 376 of the Indian Penal Code and Section 4 of the POCSO Act.

3. It is submitted that the petitioner has been falsely implicated and he is the maternal cousin of the so-called victim girl. According to the evidence of the said girl as well as her father who were examined as PW1 and PW2 respectively, no untoward incident had happened and in fact the girl to get away from the scolding of her father had herself gone to her maternal uncle's place and stayed there for a few days, after which she was brought back home by her father. Even earlier the girl's father had filed a case of missing person when his daughter had left home. The petitioner claims clean antecedents.

4. Be that as it may, having regard to the entirety of the facts



and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned A.D.J. I, Patna, in connection with Special Case No. 4/2017 arising out of Dulhin Bazar P.S. Case No. 215 of 2016 on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

Chandran/BT

(Vikash Jain, J)

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