

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7833 of 2018

Arising Out of PS.Case No. -84 Year- 2017 Thana -BYPASS District- PATNA

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Vinay @ Vinay Kumar, Son of Late Amarnath Sah, Resident of Bahari Begampur, Mahaveer Asthan, Peepal Tal, Patna City, P.S.- Bypass, Distt-Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Upendra Prasad, Advocate

Mr. Sunil Kumar, Advocate

For the S t a t e : Mr. Kumar Ranjit Ranjan, APP

For the Informant : Mr. Rudra Deo, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 27-02-2018 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State. Learned counsel for the informant has also appeared to resist the application.

The petitioner is in custody since 19.08.2017 in connection with Special (POCSO) Case No.108 of 2017, arising out of Bypass P.S. Case No.84 of 2017, registered for the offence under Sections 363/366A/323/354D/376/34 of the Indian Penal Code and Sections 4, 6 and 12 of the POCSO Act.

Diary in this case was called for earlier, which has since been received.

Having heard the learned counsel for the



petitioner, the learned counsel for the State and the learned counsel for the informant and upon taking into consideration the statement made by the victim girl under Section 164 Cr.P.C. and also the medical evidence, which has come indicating that the victim girl was between the age of 17 to 19 years, this Court feels that there is a distinct cloud on the prosecution story. It further appears that the investigation is now complete and the petitioner has remained in custody for more than six months.

In view of the aforementioned facts and circumstances, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-Cum-Special Judge (POCSO) Patna, in connection with Special (POCSO) Case No.108 of 2017, arising out of Bypass P.S. Case No.84 of 2017, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.



(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) 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.

(Anjana Mishra, J)

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