

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.63431 of 2018

Arising Out of PS. Case No.-10 Year-2018 Thana- ALAMGANJ

District- Patna

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Amitabh Tiwari son of Lakshman Tiwari Resident of Mohalla-
Biscoman Colony, Police Station-Alamganj, Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siddhartha Prasad

For the Opposite Party/s : Mr. Sri Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 12-12-2018 The petitioner seeks bail in anticipation of his

arrest in connection with Alamganj P.S. Case No. 10 of 2018

dated 09.01.2018 instituted for the offences under Section

377 of the Indian Penal Code and Section 12 of the

Protection of Children From Sexual Offences Act, 2012.

The allegation against the petitioner is of

committing unnatural offence with the son of the informant.

Mr. Siddhartha Prasad, learned counsel for the

petitioner has submitted that even from 164 Cr.P.C

statement of the so called victim boy, it would appear that

the purpose of filing this case is different. Admittedly, the



petitioner is the house owner in which house, the informant as well as his son (victim) are tenants. There is a dispute regarding continuance of the tenancy as informant has been habitually defaulting in the payment of rent.

Mr. Siddhartha Prasad, learned counsel has also submitted that the victim was subjected to medical examination on the next day of the alleged occurrence and no opinion regarding unnatural offence could be given by the Doctor. A copy of the medical report which has been referred to by the learned counsel for the petitioner, has been passed on across the board. The same has been taken on the record.

Regard being had to the aforesaid facts, the petitioner, above named, in the event of his arrest or surrender within a period of four weeks from today before the learned Court below, is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional District Judge, 1st, Patna cum Special Court, POCSO, Patna in connection with Alamganj P.S. Case



No. 10 of 2018, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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