

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12005 of 2019

Arising Out of PS. Case No.-102 Year-2018 Thana- IMAMGANJ District- Gaya

ANIL BHUIYAN son of Basudeo Bhiyan @ Vasudeo Bhuiya Resident of
Village- Guriya Pakari, P.S.- Imamganj, District- Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

5 31-07-2019 This case has been listed before this Court as per
minutes of Hon'ble the Chief Justice.

Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in POCSO Case No.
76/2018, arising out of Imamganj P.S. Case No. 102/2018,
instituted for offences under Sections 376(D), 376(B), 376(DA)
of the Indian Penal Code read with Sections 4 and 6 of POCSO
Act.

It is alleged in the written report that informant had
gone for call of nature. When she returned, she did not find her
daughter Laximini Kumari. Thereafter she made search but did
not find her daughter. It is alleged that daughter of informant
came near the house at 2 A.M. in the night and was weeping.



Informant found white liquid in the private part of her daughter. She brought her daughter in the house. She went to the house of her neighbours in the next morning. She told them that her daughter was taken by this petitioner and Timan Bhuiyan. They have committed illegal act with her daughter. It is alleged that daughter of informant is mentally retarded.

Case diary has been received.

In the entire case diary there is no mention of statement of victim recorded under Section 164 Cr.P.C.

Learned counsel for the petitioner has submitted that informant is not eye-witness of the occurrence. Statement of other witnesses have been recorded. Victim has been medically examined in which Doctor has found no sign of recent sexual intercourse.

Petitioner is in custody since 24.07.2018.

Considering the aforesaid facts and circumstances, 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 learned Addl. Sessions Judge 1st-cum-Special Judge, POCSO Act, Gaya, in connection with Imamganj P.S. Case No. 102/2018, subject to the



conditions that

- (I) both the bailors shall be the close relative of the petitioner.
- (II) Petitioner shall be present on each and every date fixed by the court and absence on two consecutive dates without valid reason will result in cancellation of bail bond of the petitioner and
- (III) if petitioner tamper with the evidence in the case, prosecution will be at liberty to move for cancellation of bail bond of the petitioner.

(Sanjay Priya, J)

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