

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16502 of 2019**

Arising Out of PS. Case No.-38 Year-2018 Thana- GHANSHYAMPUR District- Darbhanga

Ajay Mohan Thakur Son of Jitan Thakur Resident of Village and P.S.-
Ghanshyampur, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Siddhartha Prasad

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 02-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered under Section
377 of the Indian Penal Code and Sections-4/6 of POCSO Act,
2012.

Allegation against the petitioner is of enticing away
informant's grandson and taking him to a mango orchard,
committed unnatural intercourse with him.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioner. The
petitioner is in custody since 19-01-2019. Charge sheet has
already been submitted. The date of occurrence is 28-03-2018
while the FIR has been instituted on 02-04-2018. There is no



explanation on the part of the prosecution for such delay in lodging the FIR. The prosecution has not come with clean hands. A complaint was filed by the accused side on 27-03-2018 before the Sarpanch in respect of an incident, which was said to have taken place on 26-03-2018. The victim has sustained injury by playing cricket and relating to the same, a scuffle took place between two families. The petitioner is suffering from cancer which is evident from Annexure-4 to the application.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I-cum-Special Judge (POCSO), Darbhanga in connection with Ghanshyampur P.S. Case No. 38 of 2018.

(Sudhir Singh, J)

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