

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22936 of 2019

Arising Out of PS. Case No.-49 Year-2016 Thana- SAHJAHANPUR District- Patna

Ambika Prasad @ Amika Prasad @ Amika Pd. Singh, aged about 73 years,
Male, S/o Late Sagar Singh, R/o village- Sarthua, P.S.- Sahjahanpur, District-
Patna ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Deovind Kumar Singh, Adv.

For the Opposite Party : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-04-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since 29.09.2016 in connection with Special ((POCSO) Case No. 149 of 2016 arising out of Shahjehanpur P.S. Case No. 49 of 2016 for the offences alleged under Sections 376 and 504 of the Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offences Act.

The prosecution case, as lodged by the informant, is that her grand-daughter, Nikki Kumari, while washing her hand and feet in the chapakal, the petitioner took her in the closed room of one Bhagwat Singh, the keys of which was with the petitioner and committed rape on her, which was revealed by the victim-girl, grand daughter of the informant, who is 14 years of age.



It has been submitted by the learned counsel for the petitioner that he is innocent and is of 73 years of age and has been falsely implicated in the aforesaid case due to village politics. It is, further, submitted that the opinion of rape, as per the medical report, contained in Annexure 2, is inconclusive and the petitioner is languishing in judicial custody since more than 2½ years and bears no criminal antecedent.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations and that the petitioner is an old man and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Special ((POCSO) Case No. 149 of 2016 arising out of Shahjehanpur P.S. Case No. 49 of 2016 to the satisfaction of the learned Special Judge, POCSO, Patna, or the successor Court subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on



two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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