

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42339 of 2019

Arising Out of PS. Case No.-91 Year-2018 Thana- GURUA District- Gaya

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PANKAJ KUMAR (Male), aged about 21 years, S/o Krit Yadav @ Ram Krit Yadav Resident of Village- Baiju Bigha, P.S.- Gurua, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 24-07-2019 Heard learned counsel for the parties.

Earlier the bail of the petitioner was rejected vide order dated 31.10.2018 in Criminal Miscellaneous No. 54303 of 2018 with liberty to renew his prayer for bail after completing one year of Jail custody.

Petitioner seeks bail in **Gurua P.S. Case No. 91 of 2018** registered for the offence punishable under Sections 376 of the Indian Penal Code and Section 6 of the POCSO Act.

Allegation against the petitioner is of committing sexual assault on the minor daughter of the Informant who is aged about 5 years.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to previous enmity. The incident is of 20.05.2018 whereas FIR was



lodged on 22.05.2018. Petitioner has got no criminal antecedent. It has further been submitted that petitioner is in custody since 23.05.2018 and he has completed more than one year of Jail custody.

Considering the aforesaid facts and circumstances of the case and the period of custody, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Gurua P.S. Case No. 91 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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