

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18209 of 2020

Arising Out of PS. Case No.-237 Year-2017 Thana- NASRIGANJ District- Rohtas

Janeshwar Ram @ Madari, S/o Late Ram Sagar Ram, Resident of Village-
Bandhwa, P.S.- Tarari, Distt- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr.Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 04-06-2020 The matter has been listed today for consideration
through video conferencing in view of the nationwide lockdown
on account of COVID-19 pandemic.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with POCSO
Case No.15 of 2018 arising out of Nasriganj P.S. Case No.237
of 2017 instituted for the offence punishable under Sections
366A/34, 376 of the Indian Penal Code and Section 6 of the
POCSO Act.



Learned counsel for the petitioner submits that till date, trial in the instant case has not been concluded.

The prosecution case alleges that the petitioner enticed the daughter of the informant. The daughter has supported the allegation of physical relationship having been established.

Earlier, the petitioner had approached this Court for grant of bail in Cr.Misc. No.34275 of 2018. Petitioner's Counsel had made a submission that it was a case of elopement. Considering the age of the girl and the accusation of establishing physical relationship, the prayer for bail had been rejected on 26.06.2018 with a direction to the trial court to expedite the trial. If the same did not conclude within a year, the petitioner was allowed liberty to renew his prayer for bail.

It is in this background that the petitioner's Counsel submits that the trial having not been concluded, the prayer for bail be considered by this Court.

Learned APP for the State has opposed the prayer for bail. It is submitted that the allegations are in respect of a minor girl.

Considering the rival submissions and the fact that the trial has not been concluded till date, this Court is inclined to



allow petitioner's prayer for bail.

Accordingly, 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 Additional Sessions Judge-1st, Rohtas at Sasaram, in connection with POCSO Case No.15 of 2018 arising out of Nasriganj P.S. Case No.237 of 2017, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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