

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21203 of 2020

Arising Out of PS. Case No.-344 Year-2019 Thana- GARDANIBAG District- Patna

SIPIN KUMAR Son of Mahendra Chaurasia Resident of Village - Saidpur,
P.S.- Mansi, Distt.- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Anil Kumar
For the Opposite Party/s :	Mr. Prashant Kumar
	Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 22-09-2020 Heard Mr. Anil Kumar, learned counsel for the petitioner, Mr. Prashant Kumar, learned counsel appearing for the informant and Mr. Nawal Kishore Prasad, learned A.P.P. appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Gardanibagh P.S. Case No. 344 of 2019 (Spl. Case No. 105 of 2019) punishable for the offence under Section 342 / 323 / 506 / 34 of the I.P.C. and Section 4 / 6 of the POCSO Act.

The allegation against the petitioner as per the First Information Report is that the minor son of the informant was living along with the petitioner, who happens to be the maternal uncle of the informant's son, at Patna for the purposes of study and he was studying in Class – 3 at Mother Teresa Mission



School , Paharpur in the year 2018 – 19 and during that period the petitioner started exploiting the son of the informant i.e. victim boy physically as well as sexually and also committed unnatural sex and oral sex upon the victim.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to family dispute. Learned counsel further submits that the present F.I.R. has been lodged after the delay of about three months. Learned counsel further submits that the victim boy had allegedly informed his maternal grandfather but surprisingly, he did not inform about the incident to his father which creates doubt on the prosecution story.

On the other hand, learned counsel for the State as well as informant vehemently opposed the prayer for regular bail and submits that a minor boy of the age 11-12 years have been sexually exploited by his relative i.e. the petitioner and the victim boy in his statement recorded under Section 164 Cr.P.C. has vividly explained the incident of sexual assault upon him by the petitioner. Learned counsel for the State further submits that charges under Section 4/6 of the POCSO Act have also been framed against the petitioner.

This Court had called for a report from the learned



trial court regarding the present stage of the trial, which has been received and from perusal of the report dated 06.07.2020 vide letter no. 236 sent by A.D.J.- I - cum – Spl. Judge, POCSO, Patna it appears that the case is posted for evidence.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, I am not inclined to grant regular bail to the petitioner. Accordingly, the same is rejected.

It is expected that the learned trial court will expedite the trial and try to conclude it at the earliest. Petitioner is given liberty to renew his prayer for bail after nine months from today, if the trial does not conclude.

(Anil Kumar Sinha, J)

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