

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72805 of 2019**

Arising Out of PS. Case No.-496 Year-2019 Thana- ARA NAWADA District- Bhojpur

=====

KANHAIYA SINGH @ KANHAIY SINHA, Son of Late Jwala Singh
Resident of Village- Bakhorapur, P.S.- Barahara, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajiv Rai, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 18-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The matter has been taken up through virtual Court
proceeding.

The petitioner has preferred the present application for
grant of bail in a case registered for the offences punishable
under Section 377 of the I.P.C., 1860 and Sections 4/6 of the
POCSO Act, 2012.

The prosecution case as per the written report of Ajay
Kumar Singh submitted before the S.H.O., Ara Nawada Police



Station is to the effect that the maternal grand son of the informant Ashish Kumar, aged about 13 years used to get sports training under the petitioner, who is a sports teacher. On 4-07-2019, during training of cricket, the petitioner committed forcible unnatural sex with the maternal grand son of the informant, Ashish Kumar.

It is submitted by learned counsel for the petitioner that the the present case has been lodged with oblique motive against the petitioner. In fact, no injury has been found in the anus or rectum and the doctor has reserved the opinion awaiting the F.S.L. report. The petitioner is languishing in custody since 05.07.2019, the charges were framed on 22.10.2019, but there is no likelihood of trial being concluded in near future in the background of the fact that the court proceeding is not conducted in physical mode due to the present pandemic and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the accusation is specific against the petitioner in the FIR.

Considering the fact that the accusation is substantially been negated by the medical opinion, the



investigation already being concluded coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned 1st Additional Sessions Judge, Bhojpur, Ara, in connection with POCSO Case No. 43 of 2019, arising out of Ara Nawada P.S. Case No. 496 of 2019.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Bhojpur, Ara, in connection with POCSO Case No. 43 of 2019, arising out of Ara Nawada P.S. Case No. 496 of 2019.



The learned Court below will further be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

