

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13101 of 2021**

Arising Out of PS. Case No.-264 Year-2018 Thana- KIUL RAIL P.S. District- Lakhisarai

Pankaj Kumar @ Pankaj Yadav @ Pankaj Kumar Yadav, Son of Late Arun Prasad Yadav, Resident of Village - Kathaiya, P.S.- Saur Bazar, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Digvijay Narayan Singh, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

5 16-08-2021 The matter has been taken up today for consideration through video conferencing.

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 Kiul Rail P.S. Case No.264 of 2018 registered for the offence punishable under Section 377 of the Indian Penal Code and Section 6/7 of the POCSO Act, 2012, which is pending in the court of learned Additional District and Sessions Judge-I Cum Special Judge,



Lakhisarai.

The allegation against the petitioner is of committing unnatural offence with a minor boy aged about 14 years at the time of occurrence.

Petitioner's counsel submits that the petitioner's identification as per the FIR is based on CCTV footage. It appears that it is a case of false implication. The parties have since compromised the matter. Petitioner is in custody since 05.10.2020.

Learned APP for the State has opposed the prayer for bail and submits that the petitioner is a Police Constable. In the investigation, police personnel have supported the allegation based on his identification in the CCTV footage and other materials in the investigation also suggest petitioner's guilt.

Having regard to the nature of offence and the fact that the same has been committed by this petitioner, who is a Police Constable, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the learned APP. Prayer is rejected, for the present.

The trial court should make all endeavour to conclude the trial without any undue adjournments or unnecessary delay.

This Court would expect that the petitioner's counsel



would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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