

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 10289 of 2020

Arising Out of PS. Case No.-207 Year-2017 Thana- BYPASS District- Patna

UDAY RAY @ UDAY KUMAR Son of Doman Ray Resident of Village - Saidabad, (Mohanpur), P.S.- Raghopur, District - Vaishali, At Present resident - tenant in the house of Jagdish Chaudhary, Patna City, Mala Par, P.S.- Bye-Pass, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Dipak Kr, Shailendra Kr Singh, Advocates
For the Opposite Party/s : Mr Abhay Kumar Roy, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 22-01-2021 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Special (Protection of Children from Sexual Offences) (for brevity, *POCSO*) Case No 147 of 2017 arising out of Bye Pass Police Station (for brevity, *PS*) Case No 207 of 2017 instituted for the offence punishable under Sections 363, 370, 372, 376 of Indian Penal Code and Sections 4/6 of *POCSO* Act.

The prosecution case, as per the First Information Report, alleges that the informant had a chance meet with one of the co-accused at the Railway Station where after she has been taken away and subjected to immoral traffic.



Petitioner's counsel submits that earlier, the prayer for bail on behalf of the petitioner was rejected on 26.04.2018. The petitioner is already on bail in Angari PS Case No 22 of 2017. It is submitted that prayer for bail has been granted during pendency of the instant petition. It is further submitted that the allegation of taking away the minor (informant) is against co-accused Soni Kumari @ Soni Devi, who has already been allowed bail by coordinate Bench of this Court in Cr Misc No 54206 of 2019. It is also submitted that at best, against the petitioner, there is allegation that he made an attempt to establish physical relationship with the informant, however, the same was a failed attempt even as per statement of the victim recorded under Section 164 of Criminal Procedure Code. The petitioner is now in custody since 25.09.2017.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I -cum- Special Judge, POCSO, Patna in Special (POCSO) Case No 147 of 2017 arising out of



Bye Pass PS Case No 207 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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