

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28977 of 2020

Arising Out of PS. Case No.-158 Year-2020 Thana- MAIRWAN District- Siwan

GAJANAND SAH @ GAJANAND PRASAD @ GAJANAND GOND Son
of Late Briksha Sah @ Briksha Gond Resident of Village- Atawan, Police
Station- Mairwa, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv.
For the State : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 05-01-2021 Heard learned counsel for the petitioner and the learned
APP for the State.

Learned counsel for the petitioner is expected to honor his
undertaking given in the instant case for depositing the requisite
court fee and to remove the defects as pointed out by office
when called upon.

The petitioner seeks bail in Mairwa P. S. Case No. 158 of
2020 instituted for the offence under Section 377 of the Indian
Penal Code and Sections 4 and 6 of the Protection of Children
from Sexual offences Act.

The allegation in the F.I.R. is of a failed attempt upon the
10 years old son of the informant.

It is submitted by the petitioner's counsel that from the



allegations offence under Section 377 of the Indian Penal Code or Sections 4 and 6 of the Protection of Children from Sexual offences Act are not made out. Petitioner's implication is on extraneous consideration due to subsisting land dispute. The petitioner is aged about 62 years and has no criminal antecedents.

The petitioner is said to be in custody since 05.06.2020.

The learned APP for the State has opposed the prayer for bail.

Considering the aforesaid, 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 1st Additional Sessions Judge-cum-Special Judge, Siwan, in connection with Mairwa P. S. Case No. 158 of 2020, 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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