

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4011 of 2021

Arising Out of PS. Case No.-438 Year-2019 Thana- GAYA MUFASIL District- Gaya

Vinod Kumar Son Of Ram Nagina Rai Resident Of Mohalla-Lakhibagh Ecovic (Special Adoption Agency), P.S- Muffasil, District-Gaya, At Present Residing In House No. 278 Nehru Nagar, P.S- Patliputra Colony, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

9 17-08-2021 Heard the parties in virtual Court proceeding.

The petitioner is languishing in custody for the offences punishable under Sections 376(AB)/120B/34 of the Indian Penal Code and Section 6/10 of POCSO Act.

The petitioner is in custody since 21.09.2019.

The petitioner was Director of Ecovic (Special Adoption Agency), Gaya.

Under order of learned Principal Judge, Family Court, Gaya, dated 04.07.2019, passed in Misc. Adoption Case No.4 of 2019 a girl child, aged about 8 years, was given in adoption to an American couple. Thereafter, the child along with her adoptive parents went to United States of America on 19.08.2019. On 30.08.2019 the adoptive parents informed that the girl was



sexually assaulted by some men employed with Ecovic (Special Adoption Agency), Gaya, then the matter was inquired and FIR was lodged.

Learned counsel for the petitioner submits that the victim was examined after a long delay and the petitioner was not identified as one of the perpetrator of the crime. Just to make undue pressure false case was lodged.

In the past prayer for bail was refused on 23.06.2020. However, the recent report of the learned trial Judge dated 29.06.2021 reveals that the case is still running at the stage of prosecution evidence.

Considering the nature of allegation and available material; there is no need for further detention of the petitioner as under trial prisoner. Hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with POCSO Case No.103 of 2019, arising out of Muffasil P.S. Case No.438 of 2019 with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.



(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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