

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2360 of 2021

Arising Out of PS. Case No.-128 Year-2020 Thana- KUTUMBA District- Aurangabad

AKSHAY KUMAR SON OF RAMAASARE RAM @ RAMASHRAY rAM
Resident of Village - Sandi, P.S.- Kutumba, Distt.- Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh
For the Opposite Party/s : Mrs. Rita Verma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 04-05-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the
offence punishable under Section 377 of the Indian Penal Code
and Section 4 of the POCSO Act.

The prosecution case, in brief, is that petitioner is
said to have committed illegal act against the son of the
informant by taking him on cycle towards river.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. He is quite
innocent and has been falsely implicated in this case due to
family partition dispute as petitioner is the nephew of the
informant. Both the parties are gotiyas. It is further submitted
that both the parties have settled their dispute and a compromise



has been held between them. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is lastly submitted that the victim boy has not supported the prosecution case. The petitioner has no criminal antecedent and has been languishing in custody since 07.08.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Kutumba P.S. Case No.128 of 2020, subject to the following conditions :

- (1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court



concerned.

(4) The petitioner shall physically present himself before the local police station once in a month.

(5) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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