

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54218 of 2024

Arising Out of PS. Case No.-117 Year-2024 Thana- SHEOHAR District- Sheohar

Sanuj Pandey Son of Virendra Pandey @ Virendra Kumar Pandey R/o village
- Sugapipar, P.S.- Patahi, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. PAPPURENDRA PANDEY S/O- ALAKHDEV PANDEY R/O- CHAITA
VABHANTOLI, P.S. PAKARIDAYAL, DISTT- MOTIHARI EAST
CHAMPARAN

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rewti Raman, Adv.
For the Informant	:	Mr. Anant Kumar Mishra, Adv.
For the Opposite Party/s	:	Mr.Mritunjay Kumar Nirala, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 19-08-2024 Heard learned counsel for the petitioner and

learned counsel for the informant as well as learned A.P.P for

the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Sheohar P.S. Case No.
117 of 2024 dated 24.04.2024 registered for the offences
punishable u/s 377 of the Indian Penal Code and section 4, 6,
12 of the POCSO Act.

3. As per the prosecution case, the petitioner is
alleged to have committed unnatural sex with the informant's
minor son.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. As per the medical report of the victim, there is no sign of recent sexual assault. Learned counsel for the petitioner placed reliance on the judgment in the case of **Navtej Singh Johar and Ors. V/s Union of India (Criminal No. 76 of 2016)** in which unanimously held section 377 to be unconstitutional. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 31.05.2024.

5. Learned counsel for the informant as well as learned A.P.P for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Sheohar in connection with Sheohar P.S. Case No. 117 of 2024, with a condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every



date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

guddukr/-

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