

In the Court of Addl. Sessions Judge-VI-cum-Spl. Judge POCSO, Act, Patna.

At Present:- Awadhesh Kumar,
Addl. Session Judge-VI-cum-
Spl. Judge POCSO, Act, Patna.

Spl. (POCSO) Case No. 34 of 2021, arising out of **Pandararak P.S. Case No. 17 of 2021**, registered under Section 377/355 of IPC and Section 4 of POCSO Act.

Name of Petitioner:- Avinash Kumar, S/o Narayan Singh, R/o village Bihari Bigha, P.S. Pandarak, District Patna.

Counsel for the petitioner: Mr. Madhukar Sinha, Ld. Advocate.

Counsel for the State: Mr. Suresh Chandra Prasad, Ld. Spl. P.P.

Date of Order: 09.06.2021.

Order

1. This bail petition has been filed on behalf of the accused petitioner, namely, Avinash Kumar, S/o Narayan Singh, R/o village Bihari Bigha, P.S. Pandarak, District Patna, who is under custody since **03.03.2021**, in connection with **Spl. (POCSO) Case No. 34 of 2021**, arising out of **Pandararak P.S. Case No. 17 of 2021**, registered under Section 377/355 of IPC and Section 4 of POCSO Act.

2. Heard the learned counsel for the petitioner and learned Spl. P.P. for the State.

3. The prosecution case in short, is that, informant who is the father of victim boy has alleged that on 01.03.2021 his son after purchasing articles returning to his house, petitioner on pretext to drop him (victim) to his house took him on his motorcycle. On the way petitioner took the victim in a field and forcibly committed oral sex with him and thereafter told him to open his lower wearing, When victim raised alarm, petitioner fled away.

4. The learned counsel appearing on behalf of the accused has submitted that petitioner has committed no offence, he has been falsely implicated in this case. Petitioner is a married man. There is no any type of facial injury on the victim. So, it has been prayed that this accused may kindly be enlarged on bail.

5. On the other hand learned counsel appearing on behalf of the State has vehemently opposed the prayer for bail of this petitioner.

6. Considering the facts and circumstances of this case, there is allegation of performing unnatural act with the victim boy. In this situation, I am not in opinion to release the accused-petitioner Avinash Kumar on bail. Hence, the prayer for bail to the petitioner, namely, **Avinash Kumar** is hereby **rejected**.

(Dictated)

(Awadhesh Kumar)
Addl. Sessions Judge-VI
-cum- Spl. Judge POCSO, Act,
Patna.
Dated: 09.06.2021