

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54846 of 2018

Arising Out of PS.Case No. -177 Year- 2017 Thana -KOCHAS District- SASARAM (ROHTAS)

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1. Sunil Kumar @ Shethy son of Shyam Bihari Singh, resident of Village-
Amaisidehra, P.S.- Kochas, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Sri Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 20-11-2018 Heard the parties.

The petitioner seeks regular bail in connection with Kochas P.S.Case No.177 of 2017 registered for offences punishable under Sections 376D of the Indian Penal Code and Sections 4/6 of POCSO Act and Section 66 of the IT Act.

Allegation against the petitioner as per FIR is that the informant developed love affair with one Sahil Ansari and he has committed rape and also took her naked photograph and thereafter made it viral to his friends. Further case is that the informant was called and she was persuaded to have physical relation with the petitioner and other co-accused persons and when she refused they threatened her and also tried to commit rape upon her.

Submission of the learned counsel for the petitioner is that the allegation is mainly against Sahil Ansari and no overt act has



been mentioned against the petitioner and other two co-accused persons against whom there is similar allegation have been granted bail vide order dated 12.2.2018 passed in Cr. Misc. No.8251 of 2018. Further the petitioner is in custody since 4.5.2018.

Heard learned A.P.P. also.

Having heard both sides and in view of the fact other co-accused persons having similar allegation have been granted bail by a Co-ordinate Bench of this Court, as such, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge Ist –cum-Special Judge, POCSO Act, Rohtas at Sasaram in connection with Kochas P.S.Case No.177 of 2017.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and in the event of failure to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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