

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10741 of 2019

Arising Out of PS. Case No.-646 Year-2018 Thana- BEGUSARAI TOWN District- Begusarai

CHHOTU KUMAR @ RAJ KUMAR, Son of Sri Niranjana Singh, Resident of
Village - Pokharia, Ward No. 39, P.S.- Begusarai Town, Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Babita Kumari, Advocate.
For the Opposite Party/s	:	Mr. Nitya Nand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 22-02-2019 Counsel for the petitioner is permitted to make
necessary correction in paragraph-1 of the bail petition during
course of the day.

Heard learned counsel for the petitioner and the
State.

The petitioner seeks bail in **Begusarai Town P.S.**
Case No. 646 of 2018, instituted for the offence under
Section(s) 341, 342, 323, 324, 504, 384/34 of the Indian Penal
Code, Section 27 of the Arms Act. Subsequently, Sections 363,
326, 307, 292, 294, 506, 509, 120B, 377 read with 109 Indian
Penal Code, Sections 66(E) and 27(B) of Information and
Technology Act were added.

Counsel for the petitioner submits that petitioner is



not named in the written report. The informant in his further statement before the police has subsequently named the petitioner and other accused persons.

It is alleged in the *Fard-e-beyan* that co-accused Golu Kumar and two unknown boys as well as 10 to 12 unknown persons assaulted the informant. It is further alleged that Golu Kumar blew smoke of cigarette on the face of Aman Kumar at Kali Asthan Chowk when he went to take water. Co-accused Golu Kumar thereafter came near Kuswaha hostel and started abusing Keshav and Aman. On 24.10.2018, when informant was going to attend his class in Aditya Civil Services Academy and reached Kali Asthan, Bipin Singh Dwar, two unknown boys arrived there on Motorcycle bearing No.BR-09-1777 and with the help of pistol got seated him on the Motorcycle and brought in a room near the clinic of Dr. Savan Kumar where two boys were also present from before. The informant was brutally assaulted there. Thereafter, the accused persons took him behind Jail where Aman Kumar and Ram Kumar were present. All of them brutally assaulted the informant and others. It is further alleged that all the accused persons made the informant and Ram Kumar naked on the point of pistol and compelled them for unnatural offence with



each other. The video was also prepared on Mobile. Thereafter, the informant and others were brought in a room and forced to drink wine and smoke cigarette. They brought them to forest and fired over his toe.

In this manner, there is no allegation of any overt act against the petitioner in the written report.

Petitioner is in custody since 9.11.2018.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Begusarai**, in connection with **Begusarai Town P.S. Case No. 646 of 2018**, subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

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