

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12021 of 2019

Arising Out of PS. Case No.-176 Year-2018 Thana- MATIHANI District- Begusarai

VIVEK KUMAR Son of Dilip Ray Resident of Ward No. 9, Rachiyahi,
Purana Tola, P.S.- Matihani, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 27-02-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in Matihani P.S. Case No.
176/2018, POCSO Case No. 96/2018, instituted for offences
under Section(s) 376/34, 120(B), 366(A) of the Indian Penal
Code and Sections 4/8 of POCSO Act.

Learned counsel for the petitioner has submitted that
there is no allegation of specific overt act against this petitioner.

It is alleged in the written report that on 07.12.2018,
daughter of informant had gone to her Nanihal with Jyoti
Kumari, but she did not return. Thereafter informant and other
family members started searching his daughter but she could
not be traced out. The daughter of informant came to her house
on 08.12.2018 and narrated that when she was returning from
her Nanihal on 07.12.2018 she reached near Lucho Chowk then



four boys, namely, Sumit Kumar, Vivek Kumar (petitioner), Santosh Kumar and one unknown person came on motorcycle and got her seated on motorcycle. They took the daughter of informant to the house of Awadhesh Rai and committed rape with her.

The victim girl has given statement under Section 164 Cr.P.C., wherein she has alleged that Sumit and Santosh had committed illegal act with her. She has not levelled any allegation of specific overt act against this petitioner.

Petitioner is in custody since 19.12.2018.

Considering the aforesaid facts and circumstances, 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 the learned 1st Addl. Session Judge, Begusarai, in connection with Matihani P.S. Case No. 176/2018, POCSO Case No. 96/2018, subject to the conditions that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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