

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13506 of 2019**

Arising Out of PS. Case No.-356 Year-2018 Thana- GAYA MUFASIL District- Gaya

Vicku Kumar @ Rahul Kumar Son of Shiv Shankar Mistri Resident of
Village- Surheri, P.S.- Mufassil, District- Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Ashok Kumar

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

6 19-07-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case initially registered under Sections 376(3), 376 DA, 354(D)(II), 341, 342, 323, 452/34 of the Indian Penal Code, Sections-67, 67A, 67(B) of IT Act and Section-6 of POCSO Act.

Prosecution case in short is that on the basis of viral video, an enquiry was made and after that, a case was instituted against the accused persons for commission of rape of the victim.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 16-10-2018. Charge sheet has already been submitted. The petitioner has been falsely implicated in the present case. The main allegation is against co-accused namely, Guddu,



Srichand and Ranjeet. The victim has been examined u/S 164 Cr.P.C. in which, she has not named the petitioner. In the medical examination report, no positive sign of rape was found by the doctor. The alleged date of occurrence is 25-08-2018 but the case was instituted on 13-10-2018. Delay in lodging the FIR has not been explained by the prosecution. The other co-accused with similar allegation have been granted bail by this court and a coordinate bench of this court vide orders dated 18-04-2019, 01-05-2019 and 28-05-2019 passed in Cr. Misc. Nos. 11316 of 2019, 20394 of 2019, 20460 of 2019 and 15185 of 2019 respectively.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge-cum-Special Judge, POCSO Act, Gaya in connection with POCSO Case No. 107 of 2018 arising out of Muffasil P.S. Case No. 356 of 2018.

(Sudhir Singh, J)

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