

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16425 of 2019

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

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ROHIT KUMAR, aged about 21 years, Male, S/o Gayas Nandan Singh
Resident of Village-Pokharia, P.S.-Town, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Vikram Deo Singh, Advocate
	:	Mr. Sada Nand Roy, Advocate
	:	Mr. Ashok Kumar, Advocate
For the Opposite Party/s	:	Mr.Md. Shakir Ahmad, APP
For the Informant	:	Mr. Kundan Kumar, Advocate
	:	Mr. Sudhanshu Bhushan, Advocate

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-03-2019 Heard the learned counsel for the petitioner, learned
counsel for the informant and learned counsel appearing on
behalf of the State.

Petitioner is languishing in judicial custody since
25.10.2018 in connection with Town P.S.Case No.646 of 2018
for the offence alleged under Sections 341, 342, 323, 324, 504,
384/34, 363, 326, 307, 292, 293, 294, 506, 509, 120(B), 377/109
of the Indian Penal Code, Section 27 of the Arms Act as well as
Sections 66(E) and 77(B) of the I.T.Act.

The prosecution case as lodged by the informant is
that two unknown boys on the point of pistol kidnapped the
informant by making him seated on a motorcycle, brought in a



room near the clinic of Dr. Savan Kumar assaulted him along with the petitioner, thereafter took him behind the Jail where he was again assaulted along with two other co-accused persons and there also they committed unnatural offence on the point of pistol with the informant and prepared video through a mobile.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the FIR and the petitioner cannot be attributed to the offence so committed. He further submits that on similar allegations some of the co-accused have been granted privilege of bail by coordinate Benches of this Court in Cr.Misc.No.10741 of 2019 dated 22.02.2019 and Cr.Misc.No.12194 of 2019 dated 01.03.2019. He submits that chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence.

Learned counsel on behalf of the informant, however, vehemently opposes the prayer for bails stating that after committing unnatural act, a video was prepared and made viral by the petitioner and another co-accused. Petitioner was also one of the associates of the other named accused.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations and the



materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Town P.S.Case No.646 of 2018 to the satisfaction of learned Chief Judicial Magistrate, Begusarai, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

It is also expected that the learned court below would expedite the trial and conclude the same within a period of one year.

(Nilu Agrawal, J)

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