

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62127 of 2018

Arising Out of PS. Case No.-60 Year-2017 Thana- GADHPURA District- Begusarai

Vicky Kumar, S/o Mohan Sahani, R/o Village- Manikpur, PS- Garhpura,
District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Narayan, Advocate.

For the Opposite Party/s : Mr. Pranav Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 06-02-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Juvenile Justice Board Case No. 106 of 2018 in connection with POSCO Case No. 55 of 2018, split up from POCSO Case No. 43 of 2017, arising out of Garhplura P.S. Case No. 60 of 2017, registered under Sections 341, 323, 504 and 376/34 of the Indian Penal Code and Sections 8, 12 and 17 of the Protection of Children from Sexual Offences Act, 2012.

The accusation is that on the instruction of Arbind Sahni and Gobind Sahni, this petitioner used to carry forcibly to the daughter of informant and thereafter, she was being rapped by Gobind Sahni and Arbind Sahni.



Learned counsel for the petitioner submits that it would appear from the F.I.R. that only allegation has been made against the petitioner is to accompany the minor daughter of the informant and thereafter, Arbind Sahni and Gobind Sahni used to commit rape. Further submission is that Sunita Devi, mother of petitioner, has lodged a case bearing Garhpura P.S. Case No. 47 of 2017 on 11.06.2017, under Sections 447, 341, 323, 379 and 506/34 of the Indian Penal Code against Nitish Kumar, son of the informant and one Mukesh Sahni due to that reason the present case has been lodged with false allegation. It is further submitted that in spite of sending the notice by the Investigating Officer, the victim did not turn up for her medical examination, which would appear from the case diary, which is up to paragraph 60 and the counter affidavit filed on behalf of the State. It is further submitted that co-accused, Govind Sahni @ Govind Sahni, against whom the allegation has been made to commit rape with the victim, has already been granted privilege of pre-arrest bail by a Bench of this Court vide order dated 12.12.2017 passed in Criminal Misc. No. 53048 of 2017.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below



within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Juvenile Justice Board, Begusrai, in connection with Juvenile Justice Board Case No. 106 of 2018 in connection with POSCO Case No. 55 of 2018, split up from POCSO Case No. 43 of 2017, arising out of Garhplura P.S. Case No. 60 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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