

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10291 of 2020

Arising Out of PS. Case No.-728 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

VIPIN KUSHWAHA, S/o Sugriv Singh, Resident of village- Kewa, P.S.-
Chainpur, Distt- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tribhuwan Narayan, Advocate
For the informant	:	Mr. Mukesh Kumar, Advocate
		Mr. Vinod Kumar Seth, Advocate
For the State	:	Mr. B.N.Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of
Bhabhua P.S. Case No. 728 of 2019, disclosing the offence
under Section 366A of the Indian Penal Code.

Learned counsel for the petitioner has drawn my
attention to the statement of the victim recorded under Section
164 Cr. P.C. which has been brought on record by way of
Annexure-2 to the application. He has submitted that the age of
the girl has been found to be 19 years by the Court before whom
the statement of the victim was recorded. He has submitted that
no offence under Section 366A of the Indian Penal Code can be



said to be made out and if the statement of the victim along with form of heading of deposition are considering conjointly, it can be easily seen that the victim had gone with the petitioner with her own volition.

Learned counsel appearing on behalf of the informant, on the other hand, has submitted that the petitioner does not deserve regular bail as he was blackmailing the victim on the pretext of having one of her photographs with him, which he could make viral.

Learned Additional Public Prosecutor appearing on behalf of the State has also been heard.

Considering the facts and circumstances of the case and the nature of statement of the victim recorded under Section 164 of the Cr. P.C., the case for grant of regular bail is made out. This application is, accordingly, allowed. 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 Chief Judicial Magistrate, Kaimur at Bhabhua**, in connection with **Bhabua P.S. Case No. 728 of 2019**, subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to



appear before the court on two consecutive occasions, his bail
Bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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