

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18243 of 2019

Arising Out of PS. Case No.-28 Year-2013 Thana- MAHILA P.S. District- Muzaffarpur

Komal Kumar @ Kamal Kumar @ Kamal Prasad Singh, aged about 45 years,
Male, Son of Late Nagnarayan Singh, R/O Village- Pupri, P.S. Kurhani,
District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Assistant Director of District Social Security Cell Unit, Muzaffarpur.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Neeraj Kumar and Mr. Satya Prakash, Advocates.
For the State	:	Mr. Satyavrat Verma, A.P.P.
For the C.B.I.	:	Mr. Bipin Kumar Sinha, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

8 03-06-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For
Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsels for the petitioner, C.B.I. and
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences under Sections 376 (C)/120(B) of the I.P.C. and
Sections 4, 6, 8, 10, 17 and 18 of POCSO Act.

The prosecution case, in short, is that one Kiran



Kumari @ Soni was residing at Care Home, Muzaffarpur and on 28.09.2013 she fled away from there. On 29.09.2013, she was apprehended by G.R.P., Darbhanga and handed over to the Child Line, Darbhanga. On 30.10.2013, she was produced before the C.W.C., Muzaffarpur and her medical examination was conducted where she was found to be pregnant. It is further said that on the basis of counselling of the District Child Welfare Committee, Muzaffarpur, it was transpired that sexual atrocity was committed with Soni Kumari by the staff of the Care Home, Muzaffarpur, namely, Sarita Kumari, Rekha Kumari, Komal Kumar (petitioner) and Indrajeet Kumar and one staff of Darbhanga Child Line, namely Mahavir Kumar.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 07.02.2019 and has got no criminal antecedent. Charge sheet has been submitted in this case. There is no allegation of tampering with the witnesses alleged against the petitioner. The 164 Cr. P.C. statement of the victim has been annexed as Annexure-2 to the present application. The main allegation has been made against Mamta Devi and Laxmi Devi. The petitioner has not been named by the victim.

Vide order dated 02.05.2019, Mr. Bipin Kumar Sinha,



learned counsel appearing for the C.B.I., was directed to file a counter affidavit on behalf of the C.B.I. stating whether the present case is being investigated by the C.B.I. or not.

In pursuance to the aforesaid order, a counter has been filed on behalf of the C.B.I. The following statement has been made in paragraph no. 9 of the said counter affidavit.

“9. That it is most humbly submitted that the instant case no. 28/13 of Mahila P.S. Muzaffarpur is not related to Mahila P.S. Muzaffarpur Case No. 33/2018 and other 16 cases of Shelter Home monitored by the Hon’ble Supreme Court of India. It is a separate case/matter not being investigated by CBI/SCB, Patna, and also not covered under the respective order of Hon’ble Supreme Court.”

Mr. Satvart Verma learned A.P.P. appearing for the State, has submitted that the petitioner is named in F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner, above named, is directed to be released on bail on his personal bond to the satisfaction of learned A.D.J. Ist-cum-Special Judge, POCSO Act, Muzaffarpur in T.R. No. 35/2015 in connection with Mahila P.S. Case No. 28/2013 (G.R. No. 5450 of 2013).

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four



weeks to the satisfaction of the court concerned in connection
with the aforesaid case.

(Sudhir Singh, J)

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