

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18694 of 2020

Arising Out of PS. Case No.-10 Year-2020 Thana- MAHILA P.S. District- Patna

Kush @ Kush Kumar., 24 years (male) son of Rajesh Kumar, Resident of village Badpur, P.O. Malpur, P.S. Maranchi, District Patna at present residing at Vivekanand Park, Poonam Jyoti Apartment, Flat No. 303, P.S. Patliputra, District Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. P.K. Shahi, Sr. Adv.

Mr. Vikas Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 31-08-2020 Heard learned senior counsel for the petitioner and learned APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Mahila P.S. Case No. 10 of 2020 registered under sections 376 D and 323 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, it is stated by the informant that she was made to sit in the car by accused Vinayak Singh on the point of pistol. It is stated that the informant was thereafter taken to a flat near P&M mall, where under threat the accused forced himself upon her and also made a video of the same. It is stated that co-accused Sandeep was threatening that he would make the video viral. Thereafter she was dropped from the car midway from where she took an auto



to her home.

It is submitted by learned counsel for the petitioner that although the petitioner is named in the FIR, however, no overt act has been alleged against him. Further even from perusal of statement given under section 164 Cr.P.C. of the informant, with respect to this petitioner, the only statement that has been made is that the petitioner happens to be one of the members of the group of Vinayak Singh. Even in the statement under section 164 Cr.P.C., no overt act has been alleged against this petitioner.

The application for bail is opposed by learned APP for the State who refers to the material in the case diary that the flat, where the occurrence is stated to have taken place, was taken on rent by this petitioner about 3-4 months back.

Having heard learned counsel for the parties and taking into consideration the fact that no role has been levelled against the petitioner either in the FIR or in the statement of the informant under section 164 Cr.P.C. and he has no criminal antecedent, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Mahila P.S. Case No. 10 of 2020 on furnishing bail bond of Rs.10,000/- with two sureties of the like amount



each to the satisfaction of the learned Judicial Magistrate, 1st
Class, Patna.

(Partha Sarthy, J)

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