

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22660 of 2020

Arising Out of PS. Case No.-20 Year-2017 Thana- MAHILA P.S. District- Sheohar

1. RUPESH KUMAR S/o Shambhu Mandal @ Shambhu Raut Resident of Village-Barahi Jagdish, P.S.-Purnahiya, District-Sheohar.
2. Kamlesh Kumar @ Kamlesh Raut Son of Bhola Raut Resident of Village-Barahi Jagdish, P.S.-Purnahiya, District-Sheohar.
3. Amit Kumar Son of Rajesh Singh @ Rajesh Kumar Singh Resident of Village-Barahi Jagdish, P.S.-Purnahiya, District-Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar
For the Opposite Party/s : Mr.Vinod Shankar Modi

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-09-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioners and Sri Vinod Shankar Modi, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Sheohar Mahila PS case no. 20 of 2017 registered for the offences punishable under Section 354/354(B) of Indian Penal Code and Sections 9(g), 10 of POCSO Act.

The allegation is regarding the accused persons including the petitioners having indulged in eve-teasing with the



victim girl as also having tried to kidnap her with the intention of committing rape, however upon alarm being raised, the villagers had arrived, whereupon the accused persons had fled away.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. The learned counsel for the petitioners has also referred to the statement made by the victim girl under Section 164 Cr.P.C. before the learned Magistrate, to submit that the victim girl has only taken the name of the co-accused person namely Rahul Mandal as to be the person who had engaged in kidnapping her, however upon alarm being raised, her mother and others had arrived, whereafter the said co-accused person had fled away.

Per contra, the learned APP for the State vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that the victim girl, in her statement under Section 164 Cr.P.C. before the learned Magistrate, has not taken the name of the petitioners herein to be the perpetrator of crime, I deem it fit and



appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J. 1st-cum-Special Judge, POCSO Act, Sheohar in connection with Sheohar Mahila PS case no. 20 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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