

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27343 of 2020

Arising Out of PS. Case No.-34 Year-2019 Thana- MAHILA P.S. District- Vaishali

Vijay Kumar, Son of Shatrughan Sah, Resident of Village - Rajkhand, Police
Station - Goraul, District - Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kishor, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh-1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-11-2020 Since as of now the Courts have not resumed
normal physical hearing, the matter has been listed today
for consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings
from their homes, all with the aid of audio visual
technology.

Mr. Aditya Narayan Singh-1, learned APP is
appearing for the State as it is submitted that the brief has
been allotted to him by the office of Advocate General.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with



Mahila P.S. Case No.34 of 2019 registered for the offence punishable under Sections 341, 323, 506, 376/34 of the Indian Penal Code, Section 4 of the POCSO Act and Section 66(A) of the I.T. Act.

The allegation is that the petitioner has taken photographs while co-accused Sanjay Kumar has committed rape upon the informant.

Earlier the petitioner had approached this Court for grant of bail in Cr. Misc. No.80573 of 2019. The prayer was rejected, however, with liberty to renew the prayer after the charge is framed.

Petitioner's counsel submits that on 28.01.2020, charges have been framed against the petitioner and he is in custody now since 21.09.2019.

Learned APP for the State has opposed the prayer for bail. It is submitted that the victim has supported the allegation against the petitioner of taking photographs.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of the learned Chief Judicial Magistrate,
Vaishali at Hajipur, in connection with Mahila P.S. Case
No.34 of 2019, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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