

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27312 of 2020**

Arising Out of PS. Case No.-70 Year-2019 Thana- VALMIKINAGAR District- West
Champaran

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Sonu Kumar, Son of Feku Raut, Resident of Village- Tin No. Pahad, P.S.-
Valmikinagar, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 22-12-2020 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.

Nagendra Prasad, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Valmikinagar P.S. Case No. 70 of 2019

registered for the offence under Sections 366, 354A, 354B/34 of

the Indian Penal Code and Section 8 of POCSO Act.

Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in the

case. Learned counsel submits that there is no allegation of

commission of any indecent act with the victim against the



petitioner. It is submitted that the co-accused Govind in whose house she was allegedly kept has been granted bail by a learned co-ordinate Bench in Cr. Misc. No. 26497 of 2020 and another co-accused Sunil Kumar has also been granted privilege of bail.

Mr. Nagendra Prasad, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the allegation against the petitioner is that he along with co-accused had kidnapped the victim girl, there is no allegation of commission of any indecent act with the victim against the petitioner and the victim girl has returned next day of her alleged kidnapping, the co-accused Govind in whose house she was allegedly kept has been granted bail by a learned co-ordinate Bench in Cr. Misc. No. 26497 of 2020 and another co-accused Sunil Kumar has also been granted privilege of bail and further that the petitioner has remained in jail for more than one year, he has no criminal antecedent and the trial is not likely to be concluded in near future as also that there is no submission on behalf of the State that release of the petitioner on bail is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/-



(Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 1st -cum- Special Judge, Bettiah, West Champaran in connection with Valmikinagar P.S. Case No. 70 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that he will abide by and



observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

