

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29973 of 2020

Arising Out of PS. Case No.-49 Year-2020 Thana- KHIJARSARAI District- Gaya

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GAUTAM KUMAR, Son of Chamari Mahto, Resident of Village- Bihta,
Police Station- Khizersarai, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-11-2020 Heard learned counsel for the petitioner and the State
through Video Conferencing.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 354 (D) of Indian Penal
Code, Section 8 of POCSO Act and Section 66 (D) of I.T. Act.

As per the prosecution case, petitioner along with
other co-accused persons forcibly took away the daughter of the
informant and without her consent took video of the victim and
made it viral.

It is submitted by learned counsel for the petitioner
that petitioner has falsely been implicated in this case. It is
further submitted that Whatsapp No. 6299651342, by which it is



said that the vulgar video went viral, does not belong to the petitioner. Charge-sheet has already been submitted. It is stated by learned counsel for the petitioner in paragraph 3 of the bail petition that petitioner has got no criminal antecedent. Petitioner is in custody since 07.03.2020.

However, Learned counsel for the State has vehemently opposed the bail application and submitted that the victim Malti Kumari has supported the prosecution case in her statement recorded under Section 164 Cr.P.C. and she has been found to be 16-17 years of age by the doctor.

Considering the aforesaid facts and period of custody, 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 Special Judge (POCSO Act), Gaya in Khizersarai Police Station Case No. 49 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witnesses, in that case the prosecution will be at liberty to move
for cancellation of bail.

(Prabhat Kumar Singh, J)

Ankit/-

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