

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12392 of 2021

Arising Out of PS. Case No.-536 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai
=====

HIMANSHU KUMAR Son of Ram Balak Shaw R/o Village- Bishnpur, Ward
No. 43, P.S.- Nagar, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha no.1, APP
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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 17-08-2021 Heard learned counsel for the parties through video
conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 346, 367, 370, 370A, 372, 373, 376, 120B and 34 of the Indian Penal Code, sections 4, 6, 12 and 17 of the POCSO Act, sections 3, 4, 5 and 6 of the Immoral Traffic Act, sections 75 and 79 of the Juvenile Justice Act and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

On the basis of the information received, about flesh trade being carried on in a house, a raid was conducted and besides accused Anita Devi, a number of persons including the petitioner were arrested.

It is submitted by learned counsel for the petitioner



that he is innocent and has been falsely implicated in the case. He was arrested under a misunderstanding. It is submitted that trial in the case has commenced and the victim who was examined and whose deposition has been brought on record, did not identify the petitioner. There is no chance of the trial concluding in the near future as there are 13 chargesheet witnesses. The petitioner is in custody since 9.10.2020 and has no criminal antecedent.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the contents of the deposition of the victim in course of trial together with grant of bail to co-accused Gaurav Kumar vide order dated 19.7.2021 passed in Cr. Misc. no.15620 of 2021, the Court directs the petitioner to be enlarged on bail in connection with POCSO Case no.35 of 2020 (arising out of Nagar P.S. Case no.536 of 2020) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI-cum-Special Judge, POCSO Act, Begusarai.

It is directed that the petitioner shall cooperate in the trial. In case the learned trial court is of the opinion that the trial



is being delayed due to non-cooperation on part of the petitioner, the learned trial court will be at liberty to cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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