

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13119 of 2021**

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

SUMIT KUMAR Son of Ram Swarath Mahto Resident of Village Nagdah,
Ward No. 11, P.s. Mufassil (Singhoul O.P.), District Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

5 18-08-2021 In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

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

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

Petitioner seeks bail in connection with Begusarai Town P.S. Case No. 536 of 2020 registered under Sections 346, 367, 370, 370A, 372, 373, 376, 120B, 34 of the Indian Penal Code, Sections 4, 6, 12, 17 of the POCSO Act, Section 3, 4, 5, 6 of the I.T. Act, Section 75/79 of the J.J. Act and Section 30(a) of



Bihar Prohibition and Excise Act, 2016.

There is an allegation that the police have recovered minor girl from the house of Anita Devi whereas it is alleged the girl is being subjected to immoral traffic. The petitioner along with three other male members has been arrested alleging that they were customers at the place.

The petitioner's counsel submits that it is a case of false implication. Petitioner has no criminal antecedents. The victim, at the trial, has not identified the instant petitioner. The co-accused Gaurav Kumar has been allowed bail in Cr. Misc. no. 15620/2021 dated 19.7.2021 and another co-accused has been allowed bail in Cr. Misc. no. 8818 of 2021. The said two co-accused and petitioner are similarly situated in terms of allegations. The petitioner is also stated to be in custody since 8.10.2020.

Learned APP has opposed the prayer for bail. It is submitted that minor girl was recovered from the house and she her statement under Section 164 Cr.P.C. has named the petitioner.

Considering the rival submissions, finding the case of the petitioner to be similar to that of Gaurav Kumar against whom also the victim has levelled similar allegation in her



statement under Section 164 Cr.P.C. He is considered to be on better footing as it is submitted that at the trial victim is not identified the petitioner, the Court is inclined to allow the petitioner's prayer for bail. Prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge-VI-Cum POCSO Act, Begusarai in Begusarai Town P.S. Case No. 536 of 2020, 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.

(Madhuresh Prasad, J)

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