

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13203 of 2021**

Arising Out of PS. Case No.-205 Year-2020 Thana- DESARI District- Vaishali

VISHAL PATEL @ VISHAL KUMAR PATEL SON OF MUKESH KUMAR
PATEL @ MUKESH PATEL R/o village- Ward No. 4, Pohiar Buzurg, P.S.-
Sesari (Sahdei O.P.), Distt.- Vaishali at Hazipur, Pin- 844507

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Chandra Shekhar Azad

For the Opposite Party/s : Ms. Pushpa Sinha, APP

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

8 07-10-2021 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 Desari P.S.
Case No. 205/2020 registered under Sections 363, 365 and
376D of the Indian Penal Code and Sections 6, 8 and 10 of the
POCSO Act.

The allegation is that the informant's minor
daughter (14 year old) has been taken away by the petitioner
and one Raushan Kumar. She has been recovered two days later



and while the petitioner was trying to flee away, he has been apprehended and handed-over to police.

The learned petitioner's counsel submits that the falsity of the prosecution case is evident from the fact that statement of the victim recorded under Section 161 Cr.P.C. is at variance with the F.I.R. on the manner of recovery of the victim. The further submission is that the accused persons belong to family of the opponent of the sitting *Mukhiya* and implication is based on political considerations. The medical examination of the victim done just the next day after the recovery has not shown any sign of forcible sexual intercourse, the same also belies the allegations, apart from the fact that, the victim has been assessed to be aged between 18-20 years. Petitioner is stated to be in custody since 14 months and has no criminal antecedents.

Learned APP has opposed the prayer for bail. She has submitted that there is specific allegation against the petitioner.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. 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 Ld. Exclusive Special Court POCSO-cum-A.D.J.-VI, Vaishali at Hajipur in Desari P.S. Case No. 205/2020, 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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