

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13763 of 2021

Arising Out of PS. Case No.-534 Year-2020 Thana- BARACHATTI District- Gaya

Shankar Choudhary @ Shankar Kumar S/O Muneshwar Choudhary R/O
Village-Jhanakpur, P.S.-Mohanpur, District-Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Abhay Kumar-I, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in POCSO Case No.97/2020 arising out of Barachati (Mohanpur) P.S. Case No.534 of 2020, registered for the offence under Sections 376(d), 354(d), 506, 34 of the Indian Penal Code and Section 6 of POCSO Act and Sections 3(i)(r)(w) 3(2)(v) of SC/St Act and Section 66(e), 67(b) of I.T. Act.

As per the prosecution case, on 26.08.2020 at 7 O'clock when the victim went to attend the call of nature, co-accused, Beni Kumar, Manish Kumar and Praveen Kumar caught her and forcefully took her to an isolated place and on the gun point committed rape. It is further alleged that this petitioner made the video of the incident viral and posted it on social media.

Petitioner is not named in the FIR. In 164 statement this victim has only alleged that this petitioner made video of



the incident viral on Whatsapp and face-book. There is no allegation of any specific over-tact against the petitioner or committed any sexual offence against the victim. Petitioner was neither present at the place of occurrence or alleged to have committed any illegal act. Petitioner is in custody since 20.11.2020.

Learned APP for the State has opposed the bail petition.

Considering the rival submission of the parties and materials available on record and the nature of allegation, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned Exclusive Special Judge (POCSO Act), Gaya in connection with POCSO Case No.97/2020 arising out of Barachati (Mohanpur) P.S. Case No.534 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his 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)

Prakash Narayan /-

U		T	
---	--	---	--

