

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23970 of 2021

Arising Out of PS. Case No.-320 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

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VINAY KUMAR SON OF SRI RADHE SAH RESIDENT OF VILLAGE-
VIRNOUDH, P.S.- GORADIH, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video
Conferencing and the Advocates joined the proceedings through
Video Conferencing from their residence.)

3 26-07-2021

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 376,120B, 34 of the Indian
Penal Code, Sections 3(iii),(x)(xii) of the SC/ST Act and Section
3 of Protection of Children From Sexual Offences Act.

Informant has alleged that on 12/13.09.2020 at night,
two FIR named accused including the petitioner and two
unknown persons entered her house and petitioner committed
rape upon her while she was alone and when she raised alarm,
petitioner and co-accused Santosh keshari were caught by the
nearby people.

It has been submitted on behalf of the petitioner that

he is innocent and has falsely been implicated in this case due to dirty village politics. It is further submitted that this petitioner and the informant are students and they are in love with each other and in fact, the informant had called the petitioner at her house and while the informant opened the door of the house and the petitioner was trying to enter into her house, co-villager, Santosh keshri saw and raised hulla then the villagers came there and apprehended this petitioner and thus the petitioner has become the victim of circumstances. It is further submitted that medical board has opined that neither any physical injury has been found in the whole body of the victim girl including the private part nor any evidence of recent sexual assault could be found on her body. Charge-sheet has already been submitted against the petitioner. Petitioner has no criminal antecedent and he is in custody since 14.09.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with POCSO case No.101/2020 arising out of Jagdishpur (Goradih) P.S. Case No. 320 of 2020, with following conditions:-

(1) Bailors should be local having sufficient

immovable property within the jurisdiction of the court concerned.

(2) 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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