

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25604 of 2021**

Arising Out of PS. Case No.-404 Year-2020 Thana- GAURICHAK District- Patna

VISHAL KUMAR Son of Dahori Rai Resident of Village- Akhariya, P.S.-  
Fatuha, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate

For the Opposite Party/s : Ms. Anita Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      04-10-2021      Learned counsel for the petitioner undertakes to  
remove all the defects pointed out by the Stamp Reporter within  
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Anita  
Kumari Singh, learned APP for the State.

Petitioner in the present case is seeking regular bail in  
connection with Spl. Case No. 201 of 2020 arising out of  
Gaurichak P.S. Case No. 404 of 2020 registered under Sections  
342, 504, 354 and 354(D) of the Indian Penal Code and Section  
8 of the POCSO Act. He is in custody since 22.11.2020. He has  
otherwise no criminal antecedent.

The allegation against the petitioner is that he had  
caught hold of the hand of the victim girl and asked her to come  
with him with some bad intention, when the victim girl



allegedly did not agree with the petitioner then he abused her and started pulling her hand. It is alleged that the petitioner happens to be a distant relative of the informant and he has got bad eyes on the informant.

The submission is that the petitioner and the victim girl are related to each other and the petitioner has been falsely implicated in this case when the marriage negotiation between the informant's family and the petitioner's family failed.

Learned counsel further submits that the petitioner has spent almost one year of custody which is the minimum period prescribed for the offence under Section 354 IPC and in such circumstance, the petitioner who has otherwise no criminal antecedent be released on bail.

Learned APP for the State has though opposed the prayer for bail of the petitioner but considering the facts and circumstances of the case and that the petitioner has remained in custody for more than 10 months, this Court directs release of the petitioner above-named on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VII-cum-Spl. Judge, POCSO Act Patna in connection with Spl. Case No. 201 of 2020



arising out of Gaurichak P.S. Case No. 404 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

**(Rajeev Ranjan Prasad, J)**

SONALI/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

