

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35089 of 2020

Arising Out of PS. Case No.-230 Year-2020 Thana- DIGHA District- Patna

AKASH KUMAR @ AKASH @ NAGA @ AAYUSH KUMAR, aged about 25 years, Gender-Male, son of Sri Lal Bahadur Rai, resident of village-Akhara Gali, P.S.- Digha, Distt.- Patna.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 08-04-2021 Heard learned counsel for the petitioner and
learned APP for the State.

In this case, the petitioner is seeking regular bail in connection with Special (POCSO) P.S. Case No.79 of 2020, arising out of Digha P.S. Case No. 230 of 2020, registered for the offence under Sections 342, 379, 504, 506, 377 & 511/34 of the Indian Penal Code and under sections 8/10/12/14/15 of the POCSO Act.

Allegation has been made that the son of the informant namely, Manish Raj, aged about 15 years, came and informed him that his mobile was forcibly snatched. On 18.04.2020, accused Prakash Kumar came to his house and suggested his son for handing over his mobile and then he went to Laxminiya Gali where other accused persons namely, Krishna



Kumar, Abhi @ Amitab, Aayash Kumar @ Naga, Vishal Kumar were standing and thereafter they took the victim near Railway bridge at the bank of river Ganga. It has also been alleged that accused Krishna and Vikash caught the hand of victim and accused Abhi Kumar and Prakash made him naked and tried to commit unnatural sex with the victim. It has also been alleged that the accused persons were involved in making video of the victim for ransom.

Learned counsel for the petitioner submits that altogether five persons have been named in the present case and out of that four accused persons namely, Prakash Kumar, Krishna Kumar, Abhi @ Avinash @ Abhishek Kumar @ Arnesh Kumar and Vishal Kumar, have been granted bail by different coordinate Benches of this Court. He further submits that so far the allegation of unnatural sex is concerned, no allegation has been made against the present petitioner and he is in custody since 22.04.2020.

Considering the aforesaid facts, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum- Special Judge (POCSO), Patna, in connection



with Special (POCSO) P.S. Case No. 79 of 2020, arising out of
Digha P.S. Case No. 230 of 2020, subject to the condition that
the petitioner would cooperate in the proceeding of the court
below. In the event of failure to appear on two consecutive
dates, the court below will be at liberty to pass appropriate order
including cancellation of bail bonds of the petitioner.

(Shivaji Pandey, J)

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