

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2160 of 2020

Arising Out of PS. Case No.-136 Year-2019 Thana- SATHI District- West Champaran

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VISHAL KUMAR @ RAVI KUMAR, Son of Sri Vijay Prasad Kushwaha
Resident of Village - Dumdumwa, P.S.- Sathi, District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma
For the Respondent/s : Mr. Binay Krishna, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 03-02-2021 Heard Mr. Umesh Chandra Verma, learned

counsel for the appellant and Mr. Binay Krishna, learned

Special Prosecutor.

This is an appeal preferred against the order dated 09.09.2020 passed by the learned 7th Additional Sessions Judge cum Special Judge, POCSO Act, West Champaran, Bettiah in Bail Petition No. 1737 of 2020, arising out of Sathi P. S. Case No. 136 of 2019 dated 12.12.2019, whereby the prayer made on behalf of the appellant for grant of bail for the offences under Sections 363, 366-A/34 of the Indian Penal Code; Sections 8 and 12 of the POCSO Act, 2012; and Section



3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

This Court had called for case-diary on 05.01.2021. Along with the case-diary, the statement of the victim girl recorded under Section 164 Cr.P.C. also has been forwarded.

From the perusal of the F.I.R., investigation papers and statement of the victim girl recorded under Section 164 Cr.P.C., it appears that the appellant had taken the victim with him to Purnea and had stayed with her for about 10-12 days. However, what appears from the investigation report and the statement of the victim is that no pressure was exerted on her. The victim, no doubt, was not major at the time of the occurrence but learned counsel for the petitioner submits that now with the relationship of the appellant with the victim having ended, the victim now has married somebody-else.

The appellant is in custody since 10.02.2020.

Regard being had to the entire set of facts and



the period of custody of the petitioner, the order dated 09.09.2020 passed by the learned 7th Additional Sessions Judge cum Special Judge, POCSO Act, West Champaran, Bettiah in Bail Petition No. 1737 of 2020, arising out of Sathi P. S. Case No. 136 of 2019 dated 12.12.2019, whereby the prayer made on behalf of the appellant for grant of bail for the offences under Sections 363, 366-A/34 of the Indian Penal Code; Sections 8 and 12 of the POCSO Act, 2012; and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is set aside.

The appellant, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge cum Special Judge, POCSO Act, West Champaran, Bettiah in connection with Bail Petition No. 1737 of 2020, arising out of Sathi P. S. Case No. 136 of 2019.



The appeal stands allowed.

(Ashutosh Kumar, J)

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