

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40190 of 2020

Arising Out of PS. Case No.-271 Year-2020 Thana- KOTWALI District- Patna

SATISH KUMAR ALIAS NEPALI S/O LATE LAKSHMAN YADAV
RESIDENCE OF HIGH COURT, GATE NO. 3, P.S. - KOTWALI,
DISTRICT - PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sandip Kumar, Mr. Arvind, Kumar, Mr. Raju Kumar, Advocates
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 21-06-2021 Heard Mr. Sandip Kumar, learned counsel for the petitioner and Mr. Akshay Lal Pandit, Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks regular bail in connection with Special (POCSO) Case No. 124/2020 arising out of Kotwali PS Case No. 271/2020 registered for the offence punishable under Sections 354 and 376 of the IPC read with Section 04 of the POCSO Act.

The allegation, as per First Information Report, is that co-accused, Doman Yadav enticed away the informant and took her to a house situated at Yarpur and committed rape upon her.

Learned counsel for the petitioner submits that the



petitioner is not named in the FIR which was recorded on 25.06.2020. Learned counsel further submits that from perusal of the FIR, it would be evident that the allegation of rape is only upon co-accused, Doman Yadav and the petitioner is not named therein and the name of the petitioner has been dragged after a delay of two days while the statement of the victim was recorded under Section 164 CrPC. Learned counsel next submits that the statement of the victim made under Section 164 CrPC reveals that the allegation of rape is specifically against Doman Yadav only.

Learned counsel also submits that the co-accused having similar allegations, Ashok Kumar @ Suresh Murga Dukanwala has been granted bail by the learned lower court itself on 01.02.2021. Learned counsel further submits that petitioner is in custody since 05.09.2020.

Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that petitioner is not named in the FIR, his name transpired subsequently, in the statement made by the victim recorded under Section 164 CrPC, similarly situated co-accused has been granted bail by the learned lower court itself and petitioner is in custody since 05.09.2020, I am inclined to grant regular bail to



the petitioner.

Accordingly, let the petitioner, SATISH KUMAR ALIAS NEPALI 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 Additional District & Sessions Judge-1, Patna in connection with Special (POCSO) Case No. 124/2020 arising out of Kotwali PS Case No. 271/2020

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines of social/physical distancing and sporting masks.

(Anil Kumar Sinha, J)

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