

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.387 of 2021

Arising Out of PS. Case No.-138 Year-2020 Thana- SANGRAMPUR District- Munger

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Bikash Kumar @ Vikash Kumar, Son of Arvind Ram @ Arvind Kumar @ Arvind Singh, Resident of Village- Jagatpura, P.S.- Sangrampur (Tetiyabumber), Distt- Munger

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-02-2021 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Sangrampur (Tetiyabumber) P.S. Case No.138 of 2020 for the offence punishable under Sections 376, 506 of the Indian Penal Code and Section 4 of the POCSO Act.

There is an allegation of continuous sexual exploitation of the informant by the petitioner.

It is submitted by the petitioner's counsel that the prosecution case does not inspire any confidence as it is alleged that the informant was subjected to sexual exploitation for the last two years. However, prior to lodging of the FIR, there is no complain in this regard before any police station. The petitioner



has falsely been implicated in this case since the girl's family was not agreeable to their consensual relationship. The petitioner continues to be in custody since 02.08.2020. The informant has been coerced into supporting the prosecution case while she was examined under Section 164 Cr.P.C. The petitioner has no prior antecedents.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, 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 the learned Additional District & Sessions Judge-VI, Munger Cum Exclusive Special Court (POCSO Act), Munger, in connection with Sangrampur (Tetiabumber) P.S. Case No.138 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be



well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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