

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.440 of 2021

Arising Out of PS. Case No.-382 Year-2020 Thana- DANAPUR District- Patna

Abhishek Kumar aged about 19 years, (Male) son of Kallu Rajak, Resident of village- Mainpura, Police Station Danapur, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner : Mr. Vyas Kumar Mishra, Advocate
For the State : Mr. Raj Ballabh Singh APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

10 19-07-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2. Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

3. Heard learned counsel for the petitioner and learned counsel for the State.

4. The petitioner seeks bail in Danapur PS Case No. 382 of 2020, instituted for the offence under Sections 376 and 511 of the Indian Penal Code and Sections 4, 6 and 8 of the POCSO Act..

5. The informant has alleged that the petitioner and one of the co-accused, who was driving the motorcycle, have forcibly picked her up seated her in the middle between them on the motorcycle and taken her to some place in Danapur where they have allured her for some sexual favour by offering money and,



on refusal, they have tried to coerce her. She has raised *hulla*, whereafter, the perpetrators have been apprehended by the local persons.

6. The learned counsel for the petitioner submits that the prosecution version is highly doubtful. It is not alleged that the two accused persons, including the petitioner were armed. It is highly improbable that the victim would be sitting on a motorcycle and carried from one place to another in between Karbigahiya to Danapur and nobody would notice that such a crime is being committed through the entire stretch. It is further alleged that even as per the allegation no sexual offence has been committed. The petitioner is a man of clean antecedents. It is further submitted that he is aged about just 19 years and he was the pillion rider on the motorcycle as he had taken a lift and has falsely been implicated in this case though he had no connection with the informant or the other accused persons. He has remained in custody since 30.06.2020.

7. The learned APP representing the State has opposed the prayer for bail.

8. Considering the rival submissions, 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 Sessions Judge, Ist, Patna**, in connection with **Danapur PS Case No. 382 of 2020, (bearing Special Case no. 125 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.

(Madhuresh Prasad, J)

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