

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2897 of 2021

Arising Out of PS. Case No.-22 Year-2019 Thana- MAHILA PS District- Gaya

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SURENDRA KUMAR @ SURENDRA YADAV Son of Kailash Yadav
Resident of Village - Amkola, P.S.- Mohanpur, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 30.09.2020 in connection with POCSO case No. 110/2020 arising out of Mahila P.S. Case No. 22/2019 registered for the offences punishable under Sections 341/342/323/354/376(D)/376(DA)/34 of the Indian Penal Code and Section 4 of the POCSO Act.

As per the prosecution case, the victim girl aged about 15 years was kidnapped and gang raped by six accused persons.

It is submitted on behalf of the petitioner that petitioner is not named in the FIR, his name surfaced in the confessional statement of co-accused Deo Lal Yadav. It is further submitted that the victim girl has not taken the name of this petitioner in her statement recorded under Section 164 Cr.



P.C. It is further submitted that F.I.R. has been lodged after a lapse of ten days for which no plausible explanation has been given. It is next submitted that co-accused Manoj Kumar has already been granted bail by this Hon'ble Court vide order dated 18.06.2020 passed in Cr. Misc. No. 19497 of 2020. Chargesheet has already been submitted in this case. Petitioner has got no criminal antecedent and he is in custody since 30.09.2020.

Considering the fact that petitioner is not named in the FIR and victim girl has not taken the name of this petitioner in her statement recorded under Section 164 Cr. P.C. and also similarly situated co-accused Manoj Kumar has already been granted bail, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Special Judge, POCSO Court-cum-A.D.J., VI, Gaya, in connection with POCSO Case No. 110/2020 arising out of Mahila P.S. Case No. 22/2019, subject to following conditions:-

- (1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court on his absence on two consecutive dates



without sufficient reason, his bail-bonds shall be cancelled by the Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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