

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5058 of 2021

Arising Out of PS. Case No.-244 Year-2020 Thana- BODHGAYA District- Gaya

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ALOK KUMAR @ ALOAK KUMAR aged about 19 years Son of Manoj Kumar Resident of House No.144, Mastipur Ward No.17, P.S.- Bodhgaya, Distt- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Shivendra Prasad, Advocate

For the Opposite Party : Mr.Md. Arif, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 22-06-2021 This matter is taken up for consideration through Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 376/34 of the Indian Penal Code, sections 8/12 of the POCSO Act and section 66E of the IT Act.

As per the prosecution case, petitioner assisted co-accused Ujjwal Kumar in the commission of rape on informant's sister.

Learned counsel for the petitioner submits that the victim in her section 161 Cr.P.C. statement has alleged that the petitioner was also present in the Hotel when co-accused



Ujjwal Kumar raped her for the first time, though she, in her section 164 Cr.P.C. statement, has not alleged any overt act against this petitioner. Petitioner has got no criminal antecedent as stated in paragraph 3 of the bail petition. Petitioner is in custody since 5.10.2020.

Learned counsel for the State opposes the prayer for bail.

Considering the rival submissions of the parties, materials available on the record and the fact that petitioner has got no criminal antecedent and the victim in her section 164 Cr.P.C. statement, has not alleged any wrong act against the petitioner, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I cum Special Judge, POCSO Act, Gaya in Bodh Gaya Police Station Case No. 244 of 2020 on the 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 and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(2) If the petitioner tampers 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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