

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7195 of 2021**

Arising Out of PS. Case No.-255 Year-2020 Thana- RAMPUR District- Gaya

VIKASH KUMAR S/O Vinod Kumar R/O Near Verma narsing Home, Laxmi nagar, Road No. -2, Jail Road, P.O. - H.P.O. Gaya, P.S. - Rampur, District - Gaya.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vishal Saurabh, Adv.

For the Opposite Party/s : Mr.Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 29-04-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Anil Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Rampur P.S. Case No. 255 of 2020 registered for the offences punishable under Sections 354(C), 354(d), 504 and 506 of Indian Penal Code and Section 37(ii) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the prosecution story, the informant stated that the accused Vikash Kumar reached at her rented house and said that I am the staff of Zomato and further stated that he has bring the order from Kavari which was booked by the daughter of informant, Hari Priya and



when the informant said that they have not booked any order from Zomato or Kavari then he started abusing and threatening. It is further alleged that the accused went to the house of informant's Bhaisur and abused him and shown his private part before the lady member of his family and threatened to kill them.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is in custody since 30.08.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the allegation of teasing the daughter of the informant levelled against the petitioner is only false and concocted and the allegations under Section 354 (C) and 354(D) in the present case would come within the bailable provisions, the petitioner has remained in jail in connection with the present case since 30.8.2020, the only provision which is non-bailable and attracted in this case is under section 37(ii) of Bihar Prohibition and Excise Act, 2016, investigation against him is complete and in the one case which is there against him, he is on bail, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya in connection



with Rampur P.S. Case No. 255 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

