

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19358 of 2022

Arising Out of PS. Case No.-275 Year-2021 Thana- TEGHRHA District- Begusarai

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KESHRINANDAN KUMAR @ BITTU Son of Hareram Singh @ Hareram Chaudhary Resident of - Ward No.- 3, Dularpur, P.S.- Teghra, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 28-06-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 376(D), 120(b) of the Indian Penal Code, Section 8 of the Protection of Children from Sexual Offenses Act, 2012 and Sections 3 and 4 of the Immoral Traffic Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a young boy of 24 years.

The informant, who is a police officer, alleges that a raiding party reached the house of Shashank Kumar and after entering into his house a boy and a girl were found in a compromising position. Hence, they were detained and some



objectionable articles were recovered from the place of occurrence. It is further alleged that the victim girl admitted that she came from Patna as she was called by Shivam Kumar and he and some other persons enjoyed with her.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and from perusal of the allegation as alleged in the FIR, it would manifest that the victim on her own volition had come as she was called by Shivam Kumar. It is also submitted that though the case was registered under the Protection of Children from Sexual Offenses Act, 2012 but the Investigating Officer at para 79 of the case diary has recorded the date of birth of the victim as 03.02.1999 and the Medical Board has assessed the age of the victim girl as 20 years. Learned counsel further submits that it amply reflects that the authority who arrested Shivam Kumar arrested him only with a view to get their palm greased and when the same was not done, the case came to be instituted under the POCSO Act to give a serious colour to the case. Learned counsel for the petitioner submits that even the medical evidence does not record that any sexual assault was made with the victim. Learned counsel further submits that name of this petitioner transpired in the confessional statement of Shivam



Kumar who disclosed that the petitioner along with other had also enjoyed with the victim. Learned counsel next submits that similarly situated other co-accused, namely, Shashank Kumar and Shubham Kumar have been granted anticipatory bail by order dated 17.05.2022 in Cr. Misc. No. 12833 of 2022 and order dated 17.05.2022 in Cr. Misc. No. 16579 of 2022 respectively. It is next submitted that since Shivam Kumar was arrested from the spot, as such, he was also granted regular bail by this Court vide order dated 12.04.2022 in Cr. Misc. No. 65348 of 2021.

Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner and the fact that similarly situated co-accused have been granted anticipatory bail and Shivam Kumar has been granted regular bail by this Court, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with POCSO



Case No. 57 of 2021 arising out of Teghra P.S. Case No. 275 of
2021, subject to the conditions as laid down under Section 438
(2) of the Cr.P.C.

(Satyavrat Verma, J)

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