

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36333 of 2021**

Arising Out of PS. Case No.-302 Year-2019 Thana- DESARI District- Vaishali

Vikash Kumar Singh @ Vikash Kumar, aged about 19 years, Gender-Male,
Son of Raghubir Prasad Singh Resident of village - Chak Jamal, P.S. -
Sahdei , District - Vaishali, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikash Kumar Pankaj, Adv.
For the State	:	Mr. Satynand Shukla, APP
For the Informant	:	Mr. Sabal Kumar Jha, Adv.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

6 22-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in connection with Desari (Sahdei
O.P.) P.S. Case No. 302 of 2019 registered for the offences
punishable under Sections 341, 323, 354(B), 447/34 of the
Indian Penal Code and Section 12 of the Protection of Children
from Sexual Offences Act, 2012.

The prosecution case, in short, is that on 23.08.2019 at
about 6 p.m., the petitioner, after seeing the Informant alone,
came inside the house and caught hold of her and tried to took
her away forcefully. On Hulla, the brother of the Informant



namely, Prabhat Kumar, came there and opposed but, he was also assaulted by other co-accused Rahul Kumar and Navin Kumar.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and has falsely been implicated in the present case. Learned counsel for the petitioner submits that the present case is the counter blast of Desari P.S. Case No. 178 of 1992 giving rise to Sessions Trial No. 420 of 1999. He further submits that no case is made out against the petitioner and submits that the co-accused, namely, Rahul Kumar has been granted bail by the court below vide order dated 25.02.2020. He further submits that the co-accused, namely, Navin Kumar Singh @ Navin Kumar has also been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 17.06.2020 passed in Cr. Misc. No. 2262 of 2020. He further submits that the police after investigation has submitted charge-sheet against the petitioner and the petitioner is in custody since 16.03.2020.

Learned Additional Public Prosecutor and the counsel for the Informant have vehemently opposed the prayer for bail and submits that the petitioner is the main culprit who has committed the offence as alleged.



Considering the aforesaid facts and circumstances, 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 Exclusive Special Court POCSO cum Children Court cum Additional District Judge-VI, Vaishali at Hajipur in connection with Desari (Sahdei O.P.) P.S. Case No. 302 of 2019, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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.

(Rajesh Kumar Verma, J)

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