

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35176 of 2021**

Arising Out of PS. Case No.-749 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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SHIV SHANKAR KUMAR S/O SH. DASHRATH RAUT R/O MOHALLA-
JAGJIWAN NAGAR, WARD NO. 27, P.S.-BETTIAH TOWN, DISTRICT-
WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr. Bishweshwar Ram

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 04-01-2022 Heard learned counsel for the parties via video
conferencing.

Petitioner seeks regular bail in connection with
Bettiah Town P.S. Case No. 749 of 2019 registered for the
offence under Sections 354 , 354(B) / 506 / 34 of the I.P.C. and
Sections 8 / 11 of the POCSO Act.

As per the First Information Report while the
daughter of the informant was going to attend the coaching
class, she was intercepted by the petitioner and other accused
persons, who stopped her near *Raj Dayodhi* and demanded
sexual favour from her. It is further alleged that on 29/07/2019
when the daughter of the informant had gone to attend the
aforesaid coaching class, the co-accused / Kartus Raut along



with his friends took her daughter in Nazarbag Park and also sexually assaulted her daughter and prepared video in his mobile.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to village rivalry inasmuch as the petitioner is the next door neighbour and the main accused i.e. Kartus Raut. He further submits that from perusal of First Information Report it would be evident that allegation of sexual assault is upon the co-accused / Kartus Raut and there is no specific allegation against the petitioner. He also submits that the co-accused / Kartus Raut has been granted bail by a Co-ordinate Bench of this court in Cr. Misc. No. 12049 of 2021, the petitioner is in custody since 23/12/2020 and charge sheet has already been submitted.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that the co-accused against whom there is allegation has been granted bail by this Court, petitioner is in custody since 23-12-2020 and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be



released on regular bail on furnishing bail bond of Rs. 10000/-
(ten thousand) with two sureties of the like amount each to the
satisfaction of learned Additional Sessions Judge VI cum Spl.
Judge POCSO, West Champaran, Bettiah in connection with
Bettiah Town P.S. Case No. 749 of 2019.

(Anil Kumar Sinha, J)

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