

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26765 of 2022

Arising Out of PS. Case No.-221 Year-2021 Thana- OBRA District- Aurangabad

=====

KUNDAN KUMAR Son of Nagdev Ram Resident of Village - Harina, P.S. -
Obra, Distt.- Aurangabad.(Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Partys

=====

with
CRIMINAL MISCELLANEOUS No. 27790 of 2022

Arising Out of PS. Case No.-221 Year-2021 Thana- OBRA District- Aurangabad

=====

LAVKUSH KUMAR Son of Gaya Sharma Resident of Village - Harina, P.S. -
Obra, District - Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

(In Criminal Miscellaneous No. 26765 of 2022)

For the Petitioner/s : None

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

(In Criminal Miscellaneous No. 27790 of 2022)

For the Petitioner/s : None

For the Opposite Party/s : Mr.Bharat Bhushan, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-08-2022 None appears in both the cases on behalf of the
petitioners on call.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 420, 505, 34,
323, 354(b), 354(c), 354(d), 504, 506, 509 of the Indian Penal



Code and 66(D)/(E), 67(A) I.T. Act and 8/12 of POCSO Act in connection with Obra P.S. Case No. 221 of 2021.

As per the prosecution case, the victim girl has alleged that the accused persons had pasted her photo on the electric pole and also made her profile in the Face-Book to talk to others and defraud them.

As per the observations of the order passed by the Trial court, Aurangabad, the allegations have been made mainly on accused Nitish Kumar and so far as the other accused persons including the Kundan Kumar and Lavkush Kumar are concerned, there is allegation of making her photo be viral and affixing the same on the pole.

Taking into account the facts that the FIR was lodged against unknown and subsequently it has been alleged that it was Nitish Kumar who not only made her photos and videos but he also ensured that the same goes viral through his friends and so far as the two petitioners are concerned, in view of the fact that both of them have no criminal antecedents and are in custody since 21.2.2022 as also the fact the charge-sheet stands submitted and ultimately they have to face the trial, this Court is inclined to grant him the privilege of bail with certain conditions.



Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, POCSO, Aurangabad, in connection with Obra P.S. Case No. 221 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioners, who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of bail by the Trial Court itself;

(iii) they shall appear before the concerned police station every fortnight for next six months to mark their presence;

(iv) they shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.



(vi) both the petitioners shall in no way will try to contact either the victim girl and/or make any communication with her and or her family members and any complaint by the victim girl relating to further harassment before the Trial court will entail immediate cancellation of their bail applications.

With the aforesaid observations, both the bail applications are allowed.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

