

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37943 of 2021

Arising Out of PS. Case No.-6 Year-2021 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Vikash Pasi @ Vikas Pasi S/O Daddan Pasi Resident of Village - Mamadeo ,
P.S. - Mohania, District - Kaimur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
	:	Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Balmukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 11-10-2022 A supplementary affidavit has been filed on behalf of the petitioner stating therein that due to inadvertence instead of “Mahila P.S. Case No. 6 of 2021”, “Mohania P.S. Case No. 6 of 2021” has been typed in para. 1 as well as prayer portion of the bail application.

Earlier in compliance of the order of this Court dated 14.12.2021, notice was issued to the victim through her parents and the same has been received by her mother, but none appears on behalf of the victim.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Krishna Prasad Singh, learned senior



counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with POCSO case no. 6 of 2021, arising out of Mahila P.S. Case No. 6 of 2021, for the offences punishable under Sections 376/34 of the Indian Penal Code and Section 4 of the POCSO Act.

The prosecution case is based on a written report filed by the informant alleging therein that on 13.01.2021 while the victim was going to attend call of nature, in the meantime, the petitioner along with co-accused Gopal Pasi forcefully abducted and took her on Tempo and kept her confined for 2-3 days. It is also alleged that the petitioner committed wrongful act with her. On 16.01.2021 she was left at her house by the petitioner and thereafter he fled away. It is further alleged that on 18.01.2021, when this fact came to the knowledge of her brother and villagers, they assaulted the petitioner.

Learned senior counsel appearing on behalf of the petitioner firstly drawn the attention of this Court towards the written report filed by the informant and submits that from the F.I.R., it would be evident that admittedly she was taken away by the petitioner and one Gopal Pasi on 13.01.2021 and thereafter she was left to her house by the petitioner on



16.01.2021, but no F.I.R. has been instituted, even with regard to her missing or fleeing with the petitioner. He further submits that she herself stated that on 18.01.2021 when her family members came to know, they assaulted the petitioner and thereafter this F.I.R. has been instituted on 19.01.2021. He further submits that in fact it is a case of love affair and both the petitioner and the victim voluntarily left their houses and thereafter returned on 16.01.2021, but later on when the petitioner was brutally assaulted by the family members of the victim, which resulted into injuries sustained to the petitioner and other family members, the informant on being pressurized by her family members instituted this case on 19.01.2021 only in order to save themselves. He next drawn the attention of this Court towards Annexure-2, the F.I.R., which has been instituted by the brother of the petitioner with regard to brutal assault made on the petitioner and his family members wherein the petitioner sustained grievous head injuries and he was referred to Varanasi for further treatment. It is also submitted that the victim was examined by the Board of Doctors and her age has been assessed between 16-18 years and no sign of any recent sexual assault has been found over her body. He lastly submits that the petitioner, having fair antecedent, is in custody since



17.02.2021.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the victim is a minor and she has specifically alleged that this petitioner committed wrongful act with her.

Regard being had to the submissions made on behalf of the parties and considering the factum of delay in lodging the F.I.R., as also the period of incarceration of the petitioner and his fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIII-cum-Special Judge, POCSO Act, Kaimur at Bhabua in connection with Mahila P.S. Case No. 06 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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