

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39537 of 2021

Arising Out of PS. Case No.-10 Year-2020 Thana- MAHILA PS District- Katihar

Yaswant Kumar @ Vikki, S/O Rajesh Mandal, R/O Village- Patharwar Sahib
Tola, P.S- Pranpur, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Advocate
		Mr. Nagendra Dubey, Advocate
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 22-06-2022 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. Rajendra Narain, learned senior counsel for the petitioner and Mr. Shyam Kumar Singh, learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Mahila P.S. Case No. 10 of 2020 for the offences punishable under Sections 376, 504, 506/34 of the Indian Penal Code and Section 4 of the POCSO Act.

As per prosecution case, it is alleged that the informant in her college hour came in contact with co-accused Amrita and in October, 2019 co-accused Amrita requested the informant to come to her house. On request of Amrita, she went



to her house. After some time, co-accused Rohti Kumar Singh and this petitioner came there and later on the informant was offered cold drinks and after taking the same, she became unconscious. It is further alleged that when she regain her consciousness she found that something wrong was done with her. It is also alleged that after 4-5 days co-accused Amrita shown her a video showing that co-accused Rohit Kumar Singh was committing rape upon her. On the basis of the said video footage, she was used to threaten and extracted money.

It is submitted by the learned senior counsel appearing on behalf of the petitioner that from the F.I.R. it is evident that the entire allegation of sexual assault has been levelled against co-accused Rohit Kumar Singh and further the allegation of extortion is made against co-accused Amrita, Priyanka and Rohit. So far the petitioner is concerned, he was allegedly shown to be the friend of Rohit Kumar Singh and except his presence no allegation of any overt act has been levelled against him. It is also submitted that even the video footage, which was allegedly prepared by the co-accused, does not disclose the presence of the petitioner. It is next submitted that from the F.I.R. it is evident that first time the occurrence has taken place in the month of October, 2019 and after 4-5 days a video



footage was shown to her, but in the meantime she did not choose to file any complaint or F.I.R. and this case has been instituted on 06.06.2020. It is lastly submitted that the investigation of the present crime has already been concluded and the charge-sheet has also been submitted against the F.I.R. named accused persons including the petitioner and the petitioner is in custody since 23.03.2021, having clean antecedent.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that from the materials available on record it is manifest that this petitioner has actively participated in the crime and he was also one of the accused, who were blackmailing the victim girl.

Having considered the submissions made on behalf of the parties and taking into consideration the general and omnibus nature of allegation against the petitioner, inasmuch as the specific allegation of sexual assault has been levelled against co-accused Rohit Kumar Singh and so far the allegation of blackmailing is concerned, the same has been attributed to other co-accused persons, apart from the fact that video footage also does not show the presence of the petitioner and moreover the investigation of the present crime has already been concluded



and the charge-sheet has been submitted and the petitioner is in custody since 23.03.2021 having clean 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 Special Judge- cum- Additional Sessions Judge-VI, Katihar in connection with Mahila P.S. Case No. 10 of 2020 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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