

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37146 of 2022

Arising Out of PS. Case No.-96 Year-2021 Thana- BANIAPUR District- Saran

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Vikash Sah Son Of Devnath Sah@Deonath Sah R/O- Vill-Lauwa Hata, P.S.-
Baniapur, Dist.- Saran At Chapra

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State Of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh, Adv.

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Baniyapur P.S. Case No. 96 of 2021 lodged under Sections 376,
366(A)/34 of the I.P.C. read with Sections 4/6/8 of the POCSO
Act and Section 67 of the IT Act.

As per the prosecution case, there is an allegation of
kidnapping and rape in the F.I.R.

Learned counsel for the petitioner submits that there
were in total 8 persons were made accused in this case. The
specific allegation is against 3 accused persons, namely, Susun

Manjhi, Ravi Kumar and Vikash Kumar that they raped the alleged victim and thereafter made her photo viral. Learned counsel for the petitioner further submits that the Co-ordinate Bench of this Court has called for Section 164 statement in which the alleged victim has completely denied the contents of the F.I.R. On the said basis, the main accused of this case, Vikash Kumar has been granted bail vide order dated 10.08.2022 passed in Cr. Misc. No. 3544 of 2022. Learned counsel for the petitioner submits that there is absolutely nothing specific against the present petitioner, save and except that his name has figured in the F.I.R. and nothing specific made. Learned counsel submits that petitioner is a man of clean antecedent and in custody since 02.08.2021, charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, POCSO, Saran at Chapra in connection with Baniyapur P.S. Case No. 96

of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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