

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46263 of 2022

Arising Out of PS. Case No.-3 Year-2020 Thana- TAJPUR District- Samastipur

Viveka Kumar S/o Surendra Rai Resident of Village- Sarangpur, P.S.- Tajpur,
District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Uday Chand Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-12-2022 The matter is heard through video conferencing in
virtual mode.

The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner and the
learned APP for the State through virtual mode.

Petitioner seeks regular bail in connection with Tajpur
P.S. Case No. 03 of 2020 registered for the offences punishable
under Sections 314, 316, 323, 420, 493, 504 of the Indian Penal
Code and Sections 4, 6 and 8 of the POCSO Act.

As per the prosecution, the informant's minor
daughter aged about 17 years was being sexually assaulted by
this petitioner for the last one and a half years and upon protest



the petitioner threatened the victim to show her nude videos to her family members. Further it is alleged that this petitioner hit at the stomach of the victim during her pregnancy which caused the miscarriage.

The main submissions advanced by learned counsel Mr. Sanjay Kumar appearing for the petitioner are that the instant case is based on complaint and both the parties are neighbours and in the present time a good relation has restored in between them and they have filed a compromise petition before the Court below of which a copy has been filed as Annexure- 3 and the allegation made in the complaint petition is totally false and in this regard the uncle of the petitioner has filed a petition before the high police official vide Annexure- 4 praying him to make an independent investigation in respect of the allegations made by the informant. Further submission is that the petitioner was residing in Delhi during the relevant time of the alleged occurrence and he was under medical treatment at AIIMS, New Delhi and in this regard sufficient documents concerned to his treatment have been filed along with this petition and there is no medical evidence relating to the victim girl in support of the allegations made in the complaint and as per the prosecution both the parties have compromised this case



after the application filed by the uncle of the petitioner before the high police authority with relevant documents concerned to the medical treatment of the petitioner. Further submission is that the petitioner has fair and clean antecedent and has been languishing in jail since 16.03.2022.

Learned APP Mr. Uday Chand Prasad appearing for the State has opposed the bail prayer.

Having regard to the facts and circumstances of this case, considering the above submissions and taking into account the petitioner's clean antecedent and his custody period, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Tajpur P.S. Case No. 03 of 2020.

(Shailendra Singh, J)

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