

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62837 of 2021

Arising Out of PS. Case No.-298 Year-2020 Thana- SHIVSAGAR District- Rohtas

-
1. OMPRAKSH SINGH @ OMPRAKASH KUMAR Son of Raghunath Singh
Resident of Village- Konar, P.S.- Shivsagar, District- Rohtas.
 2. Mithlesh Sah @ Mithlesh Kumar Gupta Son of Ramnath Sah Resident of
Village- Konar, P.S.- Shivsagar, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-04-2022 Heard.

The petitioners seek regular bail in connection with Shivsagar P.S. Case No. 298 of 2020, registered for the offence punishable under sections 354(C) , 506 of the Indian Penal Code and Section 12, 14 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

The allegation is regarding the accused persons including the petitioners herein having made obscene video of the minor daughter of the informant, whereafter they are stated to have made the same viral on the social network.



The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case, are having a clean antecedent and are languishing in custody since 03.09.2021. The learned counsel for the petitioners has further submitted that the FIR has been lodged belatedly after a delay of 10 days and a similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 26.05.2021 passed in Cr. Misc. No. 4615 of 2021. It is also submitted that most of the sections are bailable and the petitioners have already been sufficiently punished on account of the period of custody already undergone.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the parties and taking into account the materials available on record as also considering the parity of the case of the petitioners



with that of the co-accused person who has already been granted bail by a co-ordinate Bench of this Court apart from the fact that the petitioners are having a clean antecedent and are languishing in custody since about eight months, I deem it fit and proper to admit the petitioners to the privilege of regular bail.

Accordingly, the petitioners, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned court of A.D.J.-6 cum Special Judge (POCSO) Sasaram, Rohtas in connection with POCSO Case No. 72 of 2020, arising out of Shivsagar P.S. Case No. 298 of 2020.

(Mohit Kumar Shah, J)

Tiwary/-

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

