

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66895 of 2021

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

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BRIJ NANDAN PANDEY @ BRIJ NANDAN KUMAR PANDEY Son of
Nand Kishore Pandey Resident of Village- Konar, P.S.- Shivsagar, District-
Rohtas.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 04-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the state.

Let the defect(s), if any, as pointed out by the office be
removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with POCSO Case No. 72 of 2020 arising out of
Shivsagar P.S. Case No. 298 of 2020 registered for the alleged
offences under Sections 354(c)/506 and 376 D of the Indian Penal
Code and Sections 6/12/14(2) of the POCSO Act.

Allegedly the petitioner and other co-accused persons
prepared an explicit sexual video of minor daughter of the
informant and made it viral.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner was named in this case by co-accused Mithlesh Sah and it is obvious from the FIR that the same co-accused prepared the video and made it viral through his mobile.

The learned counsel further submits that the said co-accused along with another co-accused Om Prakash Singh has been granted bail by a Coordinate Bench vide order dated 01.04.2022 passed in Cr. Misc. No. 62837 of 2021. Another co-accused Chhotu Pandey has been granted bail by an order passed in Cr. Misc. No. 4615 of 2021 on 26.05.2021 by another Coordinate Bench.

Learned counsel for the petitioner submits that in his deposition before the Court, the victim girl denied the occurrence. He further submits that FIR has been registered after delay of nine days, charge sheet has been submitted in this case and petitioner is in custody since 13.09.2021 and is having clean antecedent.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the submissions made hereinabove and considering the fact that similarly placed co-accused have been granted bail by a Coordinate Bench of this Court and so on ground of parity and taking into consideration the period of custody of the petitioner with his clean antecedent, the petitioner above named is



directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-6, Sasaram in connection with POCSO Case No. 72 of 2020, arising out of Shivsagar P.S. Case No. 298 of 2020, subject to the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will not in any way contact either the victim or any of the witnesses and will not try to influence the trial.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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