

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31240 of 2023

Arising Out of PS. Case No.-60 Year-2022 Thana- SASARAM MUFFSIL District- Rohtas

VIVEK KUMAR @ VIVEK KUMAR SINGH Son of Bharat Singh @
Bharath Singh Resident of village - Vijirganj, ward no. 3, P.O. - Karwandia,
P.S. - Sasaram (M), Distt. - Rohtas at Sasaram

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The case is registered under sections 365, 376/120(B)
of the Indian Penal Code, in connection with Sasaram
(Karwandiya) P.S. Case No. 60 of 2022 lodged on 09.02.2022
by the informant, Punam Kumari.

As per the FIR, when the informant, Punam Kumari
went to attend call of nature, the accused persons picked her up
in a Scorpio and thereafter, it is alleged that this petitioner
committed rape with her inside the car while the other four
accused persons were guarding the car from outside.

Earlier prayer for bail of the petitioner was rejected
vide order dated 06.09.2022 passed in Cr. Misc. No. 28073 of



2022.

A report was called for and as per the communication received, seven witnesses have been examined and four more witnesses are yet to be examined.

Considering the aforesaid facts as also that the petitioner is in custody since 05.03.2022 (as stated in paragraph-26 of the bail application), this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge – 18, Sasaram, Rohtas in connection with Sessions Trial No. 495 of 2022 arising out of Sasaram (Muffasil) P.S. Case No. 60 of 2022, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Jagdish/Kiran/-

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