

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36326 of 2023

Arising Out of PS. Case No.-123 Year-2021 Thana- PRATAPGANJ District- Supaul

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AMLESH KUMAR SON OF DAYANAND BHINDWAR RESIDENT OF
VILLAGE- GOVINDPUR KOWAKHANI, WARD NO. 1, PS-
PRATAPGANJ, DISTT- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 04-09-2023 Heard the parties.

2. The petitioner is in custody in connection with POCSO Case No. 6 of 2022 arising out of Pratapganj P.S. Case No. 123 of 2021 for the offence under sections 363(A), 323, 504, 506/34 of IPC and later on under section 376 of the IPC and 4/6 of POCSO Act lodged on 25.10.2021 by the informant, Hari Narayan Sharma.

3. As per the prosecution story, the allegation is that the informant's daughter went out to attend the call of nature but failed to return and the allegation is that one Guddu Kumar along with this petitioner and others kidnapped her. When the informant went to complain before the family members of Guddu Kumar, they were abused, a Panchayati held and as the



girl did not return, the FIR.

4. It is the case of the petitioner that the victim girl subsequently made statement under section 164 of the Cr.P.C. in which she has made allegation against Guddu Kumar of committing rape. Further, statement has been made that on the day, this petitioner alongwith Dayanand Bhindwar were present but they returned the same night.

5. His further submission is that nothing has been attributed against him save and accept that on that particular day, he was with Guddu Kumar alongwith Dayanand Bhindwar.

6. It is his last submission that the said Dayanand Bhindwar has since been granted bail by a co-ordinate Bench vide Cr. Misc. No. 25529 of 2023 on 04.08.2023.

7. Learned APP opposes the prayer for bail stating that although there is allegation of rape against Guddu Kumar, this petitioner was also present alongwith Dayanand Bhindwar, on the day she was taken away.

8. Considering the aforesaid submissions put forward by the parties, the main allegation of rape is against Guddu Kumar, he alongwith Dayanand Bhindwar had accompanied the accused Guddu Kumar on that day but returned at the same night, the said Dayanand Bhindwar has since been granted bail,



as stated above, is in custody since 11.04.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-VI-cum-Special Judge, POCSO Court, Supaul, in connection with POCSO Case No. 6 of 2022 arising out of Pratapganj P.S. Case No. 123 of 2021 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 bail bond by the Trial Court itself;

(iii) 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 the bail bonds;

(iv) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

10. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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