

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49049 of 2022

Arising Out of PS. Case No.-131 Year-2022 Thana- DINARA District- Rohtas

Rupesh Kumar Son of Kaushal Singh Resident of Vill.- Kori, P.S. Dinara
(Bhanas), District - Rohtas.

... .. 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. Choubey Jawahar, APP
For the Informant	:	Mr. Ravindra Kumar Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 14-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Dinara
(Bhanas) P.S. Case No. 131 of 2012 registered for the offence
under Sections 341, 323, 292, 354(C)(d), 120(B) and 34 of the
Indian Penal Code (for short 'I.P.C.') and under Section 08 and
12 of the POSCO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.07.2022.

The allegation against the petitioner is to commit
sexual assault upon the minor daughter of the informant, aged



about 15 years alongwith other co-accused persons/family members, where the video recording of the occurrence was made by the accused persons, which subsequently made viral on social media.

Learned counsel appearing on behalf of the petitioner submitted that petitioner and the informant both are next door-neighbour and having boundary disputes, causing false implication of petitioner in present case. It is further submitted that thrust of allegation is available against main co-accused, namely, Ritesh Kumar, where the petitioner's implication is only for the reason that he is the brother of main co-accused. It is submitted that said main co-accused, namely, Ritesh Kumar has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 50994 of 2022 vide order dated 13.02.2023. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel, Mr. Ravindra Kumar Tiwari appearing on behalf of the informant while opposing the prayer of bail submitted that the petitioner



also participated actively during the occurrence, as being involved in making a video of occurrence and make it viral. It is further submitted by learned counsel for the informant that informant and his family members are receiving regular threat by petitioner and his family members to face the dire consequences, if they follow up this case.

Considering the facts and circumstances as mentioned above, as thrust of allegation, as per the face of F.I.R., is available against co-accused Ritesh Kumar coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Dinara (Bhanas) P.S. Case No. 131 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 7th, Rohtas at Sasaram/concerned court, subject to the following conditions:

“(i) That the accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall



cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Baban Rai, who is the uncle of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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