

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59266 of 2023

Arising Out of PS. Case No.-9 Year-2021 Thana- SUGAULI RAIL P.S. District- West
Champaran

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Vinod Prasad Kushwaha @ Vinod Prasad Son Of Tulshi Prasad Kushwaha
R/o Village Nautan Pandey Tola, P.S- Nautan, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
22.02.2023 in connection with Sugauli Rail P.S. Case No. 09 of
2021, F.I.R. dated 28.06.2021 registered for the offence
punishable under Sections 370/34 of the Indian Penal Code as
well as Section 79 of the Juvenile Justice (Care and Protection
of Children) Act.

3. As per prosecution case, three minor girls were
recovered at Sugauli Railway Station and they disclosed the
names of other co-accused persons who engaged them for dance
in orchestra groups of theirs for some payment. One of them
alleged rape was committed with her by an unknown person.



Allegation against the petitioner is that after completion of programme he took the girl to somewhere else and send her to some another room by him where there one more person was available and he did the wrong act with her.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the petitioner is son of the Manager of the Orchestra Party and he has no concern at all with the business affair of the Orchestra Party and the statement of the victim was recorded under Sections 161 Cr.P.C. and 164 Cr.P.C, in both her statements, she has not stated anything about the petitioner and Proprietor of the Orchestra Party, namely, Tulshi Prasad Kushwaha and the person with whom the girls have been recovered, namely, Duryodhan Kumar Mandal, who is Manager of the Orchestra Party, have been granted bail vide orders dated 19.05.2022 and 29.08.2022 passed in Cr. Misc. Nos.352 of 2022 and 28903 of 2022 respectively and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 22.02.2023.



5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Rail, Bettiah, West Champaran in connection with Sugauli Rail P.S. Case No. 09 of 2021, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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