

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53009 of 2022

Arising Out of PS. Case No.-98 Year-2018 Thana- DELHA District- Gaya

ANIRUDH SINGH @ ANIRUDH KUMAR @ ANUJ KUMAR S/o Siya
Ram Singh R/o village- Uchirma, P.S.- Sherghati, District- Gaya
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Vinod Kumar, Adv.

For the Opposite Party : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Vinod Kumar, learned counsel for the petitioner and Mr. Damodar Prasad Tiwary, learned APP for the State.

This is an application for grant of bail to the petitioner who is in custody in connection with Delha P.S. Case No. 98 of 2018 registered for offence punishable under Sections 366(A) of the Indian Penal Code. Later on Sections 4/8/12 of the Protection of Children from Sexual Offenses Act, 2012, was added.

The prosecution case is based on a written report filed by the informant alleging therein that on 11.04.2008 his daughter, Sandhya Kumari, aged about 15 years went to attend



the coaching class but she did not return. During search on 13.04.2008, the informant received a telephone call from co-accused, Dhiraj Kumar, conveying that he is going to marry the daughter of the informant and threatened if he dares to lodge complaint against him then every body would be killed.

Learned counsel appearing for the petitioner submits that the petitioner being friend of Dhiraj Kumar has been implicated in this case though there was love affair between the victim-girl and Dhiraj Kumar and the petitioner has nothing to do with the present case. He next submits that during the course of investigation the statement of the victim was recorded under Section 164 of the Criminal Procedure Code where she categorically stated that she went along with Dhiraj Kumar and his friend was with them for some time and no allegation of any kidnapping has been levelled against the petitioner. He next submits that co-accused, Dhiraj Sharma @ Dhiraj Kumar, has been allowed the privilege of bail by learned coordinate Bench of this Court in Cr. Misc. No. 2229 of 2019 vide order dated 17.01.2019. Further during medical examination no sign of rape has been found and the age of the victim girl has been assessed in between 17 to 18 years. He lastly submits that the petitioner is in custody since 06.04.2022



having fair antecedent.

On the other hand learned APP for the State vehemently opposed the bail application and submits that there is specific allegation that he along with other co-accused kidnapped the victim-girl.

Regard being had to the submissions made on behalf of the parties and considering the statement of the victim-girl recorded under Section 164 of the Criminal Procedure Code and also the fact that co-accused, Dhiraj Sharma @ Dhiraj Kumar, against whom there was specific allegation has been allowed the privilege of bail, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (POCSO Act)-cum-Additional Chief Judicial Magistrate, 1st, Gaya, in connection with Delha P.S. Case No. 98 of 2018, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled

(Harish Kumar, J)

Shamshad/-

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