

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 57876 of 2022

Arising Out of PS. Case No.-300 Year-2021 Thana- DORIGANJ District- Saran

Vikash Kumar @ Vikash Kumar Singh Son of Arvind Singh @ Ravindra Singh @ Munni Singh R/V- Mirpur Juara, P.S- Awtarnagar, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Adv. Mr. Dr. Rajesh Kumar Singh, Adv.
For the Opposite Party/s :		Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-02-2023 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Doriganj P.S. Case No. 300 of 2021 lodged under Sections 366(a), 376 of the I.P.C. read with Section 4/6 of POCSO Act.

As per the prosecution case, the informant has alleged that her daughter Annu Kumari was kidnapped by the accused persons. It has also been alleged by the informant that she is a widow and the accused persons are criminals. They are continuously threatening the informant. It has been alleged that

the said daughter of the informant become pregnant due to rape made by Vikash Kumar Singh. With this allegation, the present case has been filed.

Learned counsel for the petitioner submits that it is a complete false case and all allegations made in this case are not correct. Counsel further submits that the informant, Shakuntala Kumari had filed a complaint case in the year 2011 and in the said complaint case, she had shown the age of her daughter who is alleged victim of the present case as 10/11 years, whereas the present case has been filed in the year 2021 that is after lapse of about 10 years. Meaning thereby, the minimum age of the daughter of the informant cannot be less than 20/21 years.

Counsel further submits that there is one criminal case pending against the petitioner in which he is on bail. Counsel further submits that petitioner is in custody since 06.08.2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Exclusive Special Judge (POCSO Act), Saran at Chapra in

connection with Doriganj P.S. Case No. 300 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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