

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56811 of 2022

Arising Out of PS. Case No.-247 Year-2022 Thana- MAHESI District- East Champaran

RIKKI KUMAR S/O VINOD KUMAR Resident of Village- Krishan Nagar,
P.S.- Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-03-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 3, 4, 5, 6 of the Immoral
Traffic(Prevention) Act and Section 8 of the POCSO Act.

The allegation is of rape being committed in Pink hotel
and it is alleged that from room No. 106, the petitioner was found
in an objectionable condition with a female.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that it
is alleged in the F.I.R. that the petitioner was found in
objectionable condition in room no. 106 of the hotel in question
along with a female. He further submits that though the



petitioner has been found with the female in the room in question but he has not used any force or made any overt act with the girl. The girl has also not whispered anything against the petitioner. He further submits that the girl was major and the petitioner was not found with any minor girl, therefore, rigors of POCSO Act does not apply in this case against the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. Moreover, the similarly situated co-accused, namely, Brajesh Kumar, Sudhir Kumar and Aditya Kumar have already been granted bail by a co-ordinate Bench of this Court vide order dated 24.08.2021 passed in Cr. Misc. No. 57050 of 2022, Cr. Misc. No. 57356 of 2022 and Cr. Misc. No. 56489 of 2022 respectively vide order dated 16.01.2023. The petitioner is rotting in judicial custody since 17.08.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Court below where the case is pending in connection with Mehsi P.S. Case No. 247 of 2022 with the following conditions:-

(1) 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 canceled by the Court below.

(2) 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.

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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