

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.79043 of 2023**

Arising Out of PS. Case No.-226 Year-2023 Thana- KALYANPUR District- Samastipur

Kamlesh Kumar @ Mithu Son Of Baleshwar Thakur Resident Of Village -  
Balbhadrapur, Khajuri, P.S. - Kalyanpur, District - Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rohit Raj

For the Opposite Party/s : Mr.Md. Aslam Ansari

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      07-12-2023                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 341, 323, 354(B), 500, 504/34 of the Indian Penal Code, Section 8, 12, 17 of POCSO Act and Section 67 of Information Technology Act.

Prosecution case in nutshell is that when the minor daughter of the informant has gone to her coaching, co-accused persons, namely, Sumit Kumar @ Basant Kumar took her to PACS godown where the



petitioner was present and started outraging her modesty. It is further alleged that co-accused persons also started making video of the occurrence.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. From perusal of the impugned order it appears that the victim has not whispered about the complicity of petitioner in the alleged offence, in her statement recorded under Section 164 of Cr.P.C. It is further submitted that no offence under the IT Act is made out against the petitioner because the allegation of making video viral is levelled against co-accused Md. Guddu Khan. Moreover, the petitioner is languishing in judicial custody since 26.07.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties



and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Kalyanpur P.S. Case No. 226 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, VI-cum-Special Court (POCSO), Samastipur.

**(Sunil Kumar Panwar, J)**

Nirajkrs/-

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