

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34266 of 2024

Arising Out of PS. Case No.-50 Year-2021 Thana- FATEHPUR District- Gaya

Naresh Kumar son of Kailash Yadav Village- Gowardaha P.S.- Fatehpur Dist- Gaya

... .. Petitioner

Versus

1. The State of Bihar
2. Suman Kumari D/o- Shri Kuldip Chaudhary Village- Chamaruchak P.S.- Fatehpur Dist- Gaya

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ramadhar Shekhar, Advocate
For the Opposite Party/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 06-12-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Fatehpur P.S. Case No. 50 of 2021 for the offences punishable under Sections 354(D), 376(D) of the Indian Penal Code, Section 6 of POCSO Act and Section 3(1)(r)(s)(w), 3(2)(va), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015. He has no criminal antecedent as stated in paragraph '3' of the application.

3. The allegation against petitioner is to make video clips viral of the informant and her friend, while they were



coming out from forest area, where other co-accused persons, named in the F.I.R., committed rape/penetrative sexual assault upon her.

4. It is submitted by learned counsel appearing on behalf of the petitioner that from the face of F.I.R. itself, it can be gathered that the petitioner was not present at the place of occurrence and from unknown source informant came to know that her video clips made viral by this petitioner alongwith co-accused Birendra Kumar, who are none but the brother of this petitioner.

5. It is further submitted that even the allegation of making the video clips viral appearing not specific against this petitioner, who is a man of clean antecedent.

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

7. In view of the aforesaid facts and circumstances and by taking note of nature of allegation where allegation against petitioner is limited as to make video viral of the occurrence alongwith other co-accused persons without any involvement in crime in question, accordingly, above-named



petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO-cum- Additional Sessions Judge-VI, Gaya/concerned court in connection with Fatehpur P.S. Case No. 50 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C/Section 482(2) of the Bhartiya Nyaya Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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