

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60545 of 2024

Arising Out of PS. Case No.-86 Year-2024 Thana- KARTAHA District- Vaishali

Rishabh Kumar, Son of Sanjeev Kumar @ Sanjeev Kumar Singh @ Sanjiv Kumar Singh, R/o Vill.- Chandbara, P.S.- Kartaha Dist.- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sneha Kumari, Daughter of Sanjay Sharma, R/o Vill.- Lautan, P.S.- Kartaha Dist.- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No.2, Adv.
		Mr. Aryan Singh, Adv.
For the Opposite Party/s	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 26-10-2024 Heard Mr. Manish Kumar No.2, learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Kartaha P.S. Case No. 86 of 2024 registered for the offences punishable under Sections 341, 342, 504, 506/34 and 376D of the Indian Penal Code, Sections 4 and 6 of the POCSO Act and Section 67 of the Information Technology Act, 2000.

3. Based upon the written report, the prosecution alleges that on 26.06.2024, all the FIR named accused persons forcibly took away the informant in a secluded place on their



motorcycle and all of them committed rape upon her. In course of committing wrongful act, the accused persons also prepared a video clip of the occurrence and threatened the informant of making it viral.

4. Learned counsel for the petitioner drawing the attention of this Court to the FIR contended that admittedly the petitioner is not named in the FIR and there is specific allegation of commission of rape against three named accused persons. However, later on, during the course of investigation, it has come that the Luna motorcycle, which was being driven by one of the accused persons, belongs to the petitioner and he being friend of one of the co-accused persons, his complicity also alleged. Barring the petitioner being friend of one of the co-accused persons and he handed over the Luna motorcycle, there is no other material suggesting complicity of the petitioner in the present crime. The statement of the victim was recorded under Section 164 CrPC, wherein she was made specific allegation against three FIR named accused persons and she did not even whisper about the name of the petitioner. The petitioner, who happens to be a boy of tender age bears fair antecedent and now he has been incarcerated since 07.07.2024.

5. On the other hand, learned counsel for the State



vehemently opposed the bail application and submitted that in course of investigation, the confessional statement of co-accused persons have been recorded, wherein they disclosed that at the time of alleged occurrence, the petitioner was guarding them.

6. Regard being had to the submissions made on behalf of the parties and considering the written report as well as the statement of the victim recorded under Section 164 CrPC, wherein she has not whispered about the involvement of the petitioner, coupled with the fair antecedent and the investigation being complete against the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VI-cum-Special Judge POCSO, Hajipur, Vaishali in connection with Kartaha P.S. Case No. 86 of 2024, 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)

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