

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10137 of 2025

Arising Out of PS. Case No.-287 Year-2024 Thana- NAUBATPUR District- Patna

Vicky Kumar, Son of Laxminarayan Singh, Resident of Nagriyama, P.S. - Khijarsarai, District - Gaya, At present C/o Bablu Rai, Kankarbagh, P.S- Kankarbagh, District - Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Soni Devi, Wife of Sanjay Sao, Resident of Tarsan, P.S.-Bhagwanpur Town, District - Muzaffarpur

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Vibhuti Kumar, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 06-08-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2.The accused/petitioner seeks bail in connection with Naubatpur P.S. Case No.287 of 2024 registered for the offences punishable under Sections 341, 323, 506, 376-D read with 34 of the Indian Penal Code, Sections 4 and 6 of the Protection of Children from Sexual Offences Act and Section 27 of the Arms Act.

3.The accused/petitioner is not named in the FIR and is in custody since 21.11.2024.



4. As per FIR, the minor daughter of the informant was kidnapped by named and unknown co-accused persons on the false pretext of providing job against monthly salary of Rs.18,000-20,000. It is a case of gang rape, where all named co-accused persons along with unknown accused persons committed rape upon minor daughter of the informant.

5. It is submitted by learned counsel appearing for the petitioner that petitioner was not named in the FIR and his name transpired during the course of investigation on the basis of confessional statement of co-accused Rahul Kumar @ Guddu Kumar, in furtherance of which, no incriminating material recovered/surfaced during course of investigation as to connect petitioner *prima facie* with present occurrence of gang rape. It is pointed out that said co-accused Rahul Kumar @ Guddu Kumar was granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.50863 of 2024 dated 25.09.2024 for the reason that the victim while recording her



statement under Section 164 of the Code of Criminal Procedure (in short 'CrPC') specifically raised allegation against co-accused namely, Raja and Golu, who said to be committed rape upon her. It is submitted that petitioner was also not named by victim and, therefore, his case is on similar footing *qua* co-accused Rahul Kumar @ Guddu Kumar, who was granted bail by learned co-ordinate Bench of this Court. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence. The petitioner claimed clean antecedent.

6. Learned APP while opposing the prayer of bail could not disputed the factual submissions as advanced above.

7. In view of aforesaid factual submissions and by taking note of fact as nothing incriminating appears against petitioner out of statement of victim recorded under Section 164 of the CrPC and further by taking note of judicial parity *qua* co-



accused Rahul Kumar @ Guddu Kumar, who has already granted bail by learned co-ordinate Bench of this Court, as discussed aforesaid, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 21.11.2024, accordingly, the petitioner, above-named, is directed to be released on bail 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-VII-cum-Special Judge, POCSO, Patna in connection with Naubatpur P.S. Case No.287 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS').

(Chandra Shekhar Jha, J.)

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