

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30974 of 2025

Arising Out of PS. Case No.-360 Year-2022 Thana- DHORAIYA District- Banka

Piyush Kumar @ Sonu, Male, aged about 26 years, S/o Muneshwar Mandal,
resident of Village- Ghashiya, P.S.- Dhoraiya, District- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajesh Kumar Gupta, S/o Motilal Gupta, resident of Village- Chandni Chowk, P.S.- Dhoraiya, District- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 20-06-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Spl.
POCSO Case No. 46 of 2023 arising out of Dhoraiya PS Case
No.360 of 2022 dated 21.10.2022, instituted for the offence
punishable under Sections 341, 323, 354-B, 509, 420, and 120-
B of the Indian Penal Code, Section 8 of the Prevention of
Children from Sexual Offences Act and Section 67-A of the
Information Technology Act.

3. The prosecution case, in short, is that the daughter
of the informant used to go to RTS Coaching, Ghashiya, for
studying. On 07.10.2022, he got secret information that on



threatening of making obscene picture viral, one Piyush Kumar @ Sonu i.e., the petitioner took away her daughter on the way to Kurma and tried to make physical relation with her. It is further alleged that in the said incident, Proprietors of the coaching Anand Kumar Tanti and his brother Sajan Kumar Tanti were also involved. It is further alleged that the coaching Proprietors used to make obscene videos of the girls studying in the coaching centre by inducing them and on 16.10.2022 the obscene videos of the informant's daughter and other girls were made viral.

4. Prayer of the petitioner for regular bail was earlier rejected by this Court vide order dated 09.08.2024 passed in Cr. Misc. No.51407 of 2024.

5. Vide order dated 16.05.2023, a report about the present stage of the case was called for from the trial Court which has been received in which the trial Court has reported that charge-sheet has been submitted and out of nine charge-sheeted witnesses, one witness has been examined and rest witnesses have to be examined. Summon has been issued to the victim and bailable warrants have been issued against rest of the witnesses. Service report of the warrants is still awaited. After the aforesaid exercise, not a single witness has appeared and



even the informant and victim have also not appeared.

6. Learned counsel for the petitioner submits that the proprietors of the coaching, namely, Sajan Kumar Tanti and Anand Kumar Tanti have been granted bail by this Court vide order dated 13.09.2023 passed in Cr. Misc. No.46750 of 2023 and order dated 05.03.2024 passed in Cr. Misc. No.80760 of 2023 respectively. Learned counsel further submits that the petitioner's case is similar to those who have been granted bail. Allegation against the petitioner is that he tried to outrage the modesty of the victim. Petitioner is in custody since 15.05.2024 and till date only one witness has been examined and trial is not likely to be concluded in future.

7. Learned APP has opposed the prayer for bail.

8. Considering the period of incarceration as also the fact that there is no sufficient progress in trial, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sessions Judge 6th cum Special Judge, POCSO, Banka, in Spl. POCSO Case No. 46 of 2023 arising out of Dhoraiya PS Case No.360 of 2022, subject to the conditions (i) that the petitioner shall appear before the trial on each and every date. If the petitioner fails to appear before the trial Court



on two consecutive dates without any reasonable cause, his bail shall stand cancelled and further the petitioner shall not intimidate the prosecution witnesses or tamper with the prosecution’s evidence.

9. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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