

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55346 of 2025**

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

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Birendra Kumar S/o Kailash Prasad @ Kailash Yadav R/o Village -  
Gobardaha, P.S - Fatehpur, District - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suman Kumari D/o Kuldeep Chaudhary R/o Village - Chamru Chak, P.S -  
Fatepur, District - Gaya

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Ms. Rabia Gulnaz, Adv

For the Opposite Party/s : Mr. Binay Krishna, Spl. PP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      08-08-2025                      Heard learned counsel for the petitioner and  
learned APP for the State.

**2.** The accused-petitioner, named in the F.I.R.  
and 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 Naresh Kumar, who are none but the brother of this petitioner. It is also submitted that co-accused Naresh Kumar has already granted anticipatory bail by this Court through Cr. Misc. No. 34266 of 2024 dated 06.12.2024.

**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 District and Sessions Judge-VII, 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.)**

S.Tripathi/-



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