

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.47635 of 2022**

Arising Out of PS. Case No.-8 Year-2022 Thana- ARWAL MAHILA District- Jehanabad

Bittu Kumar @ Ritesh Kumar Son of Modi Yadav @ Pramod Singh R/O
Village- Baidrabad, P.S.- Arwal, District- Arwal

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioner will remove all the defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Arwal Mahila P.S. Case No. 08 of 2022 corresponding to Special POCSO Case No. 52 of 2022 registered for the offences punishable under Sections 376(AB)/34 of the Indian Penal Code and Sections 4, 6, 8, 14(3), 15, 21(1) of the POCSO Act and Sections 66E, 67, 67(A), 67(B) of the Information Technology Act. He is in custody since 22.05.2022. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, on 19.05.2022 while the informant along with his daughter and wife were sleeping on the roof of the house, his wife



saw that the cousin brother of the informant namely, Sunil Gupta was opening the cloth of his minor daughter who was nine years old, thereafter she raised alarm and said Sunil Gupta was caught hold by the informant. On query, the daughter of the informant disclosed that Sunil Gupta has raped her by showing porn video and made three video clips. On interrogation, said Sunil Gupta disclosed that he had forwarded video clips to co-accused Bablu Kumar, Bittu Kumar (petitioner) and Panchan Kumar.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that this petitioner is not involved in commission of rape and only allegation made against him is that the main accused Sunil Gupta had allegedly forwarded the video clips on the mobile of this petitioner, however petitioner is in custody in connection with this case since 22.05.2022.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the fact that this petitioner is not involved in commission of rape and the only allegation made against him is that the main accused Sunil Gupta had allegedly forwarded the video clips on the mobile of this petitioner, the entire allegation as to commission of rape is against said Sunil Gupta only, the petitioner has no criminal antecedent and he is in custody since since 22.05.2022 and there being no submission that the release of the



petitioner is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO) Act, Jehanabad in connection with Arwal Mahila P.S. Case No. 08 of 2022 corresponding to Special POCSO Case No. 52 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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