

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68504 of 2021

Arising Out of PS. Case No.-250 Year-2021 Thana- RAFIGANJ District- Aurangabad

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AMIT KUMAR S/o Late Vishwanath Giri Resident of Village- Dhosi
Khurd, P.S.- Rafiganj, District- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate
Mr. Saket Kumar Singh, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with POCSO No. 48 of 2021 arising out of Rafiganj P.S. Case No. 250 of 2021, registered for the alleged offences under Sections 354(B), 354(D), 323, 341, 506 and 34 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act and Section 67 of the Information Technology Act.

As per prosecution case, the minor informant was accosted by the petitioner and other co-accused and they demanded her mobile number and when she refused, they started



disrobing her, molested her, assaulted her, teased her and started making her video and putting it on facebook.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner did not participate in the occurrence as alleged. There is general and omnibus allegation against the petitioner and no specific overt act has been attributed to him. The present case is counter blast of Complaint Case No. 510 of 2021 filed by the cousin of the co-accused Kanhai Yadav against the family of the informant. The petitioner is in custody since 16.09.2021. The petitioner has got no criminal history.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner sexually assaulted the minor informant and disrobed her and uploaded her video on facebook. However, learned APP concedes that her statement was recorded under Section 164 of Cr.P.C. and the informant has stated about the petitioner doing only *marpeet* with her and taking photograph, which was posted on facebook.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the informant has only stated about 'marpeet' and taking of photographs in her statement recorded under Section 164 Cr.P.C.



and further considering the period of custody of the petitioner who is of quite young age, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Exclusive Judge (POCSO), Aurangabad in connection with POCSO No. 48 of 2021 arising out of Rafiganj P.S. Case No. 250 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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