

IN THE COURT OF ADDITIONAL SESSIONS JUDGE VIth -CUM-SPL. JUDGE POCSO, PATNA
Special Case No.- 60/2025

Vicky Kumar @ Vikki Kumar

Petitioner

Versus

State of Bihar

Prosecution

**Sr.
No.**

Date

Order with signature of the Court

**Office
taken
Date** **Action/s
with**

11-03-2025

A bail application filed earlier on behalf of petitioner namely **Vicky Kumar @ Vikki Kumar**, who is in custody since 12.02.2025, has been moved today in connection with Phulwarisharif (Janipur) P.S. Case No.230/2025 dated 11.02.2025 registered under Section 126(2), 115(2), 76, 352, 351(2), 351(3), 3(5) of B.N.S, 2023 & Sec.8, 12 of POCSO Act. A copy of the same has already been served to Learned Special PP for the State.

Heard Shri Ramnath Kumar, learned Counsel for the petitioner and Shri Suresh Chandra Prasad learned Special PP for the State.

The prosecution case, in brief, is that the informant gave his written application to the P.S. concerned that on 11.02.2025 at about 6.00 A.M. while the informant-cum-minor victim girl aged about 15 years was making effort to blow out the fire of the hut shop in which her old father was sitting then co-accused Vikas Kumar and petitioner-accused Vicky Kumar both came and without any reason started abusing to her father then the informant tried to pacify on which both the accused persons with an intention to kill pull down her father on the ground and started assaulting him mercilessly by fists and slaps as well as lathi danda then the informant tried to rescue him on which Vikas Kumar, Vicky Kumar, Madan Goswami and his wife Malti Devi all of them by catching hair pull down on the her on the ground and started assaulting her by legs, fists and lathi danda and when she tried to flee away then Malti Devi and Madan Goswami with wrong intention tornd her clothes and they all tried to outrage her modesty. It is alleged that on alarm raised by the informant the villagers and nearby people assembled there then the accused persons including the petitioner-accused while fleeing from the spot had given threatening to the victim of dire consequences. It is further alleged that accused persons are dabang persons of the area who earlier also threatening to kill the family persons of the informant-victim . Thus, on the basis of written application of the informant-victim, the case was

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(11-03-2025) registered as specified.

Learned Counsel for the petitioner has submitted that the petitioner is innocent, committed no offence as alleged in the FIR and has falsely been implicated in this case. It has further been submitted that except this petitioner has not moved any court for grant of regular bail. It has further been submitted that the petitioner has no criminal antecedent except one another case i.e. Phulwarisharif P.S. Case no.586/2022. It has further been submitted that actually no case U/s 76 of B.N.S. 2023 & Sec.8, 12 of PocsO Act is made out in the facts and circumstances of the case as one Malti Devi the mother of the petitioner has lodged a case bearing Phulwarisharif P.S. cAse no.238/2025 U/s 126(2), 115(2), 75, 352, 351(2), 351(3) of B.N.S, 2023 against Ranjit Kumar, Gita Devi, Indu Sao, Amit Sao and Dilip Prasad, the copy of F.I.R. is annexed here with as Annexure-12. It has further been submitted that earlier Malti Devi wife of Madan Goswami has lodged Pulwari Sharif P.S. cAse no.311/2021 (Spl. Case no.06/2022) against Ranjit Singh, Gita Devi, Anil Sao U/s 363, 366(A) of I.P.C. which is pending in this very court for trial, copy of F.I.R is attached herewith as Annexure-2. It has further been submitted that Malti Devi wife of Madan Goswami has also lodgged Phulwari Sharif P.S. Case no.560/2021 against Ranjit Kumar, Gita Devi, Anil Sao, Shankar Sao, Wife of Shankar Sao, Fua of Ranjit Kumar, Son of Fua of Ranjit Kumr, Rakhi Kumari U/s 363, 366(A), 120(B), 34 of I.P.C. which is pending in the court of learned Addl. Sessions Judge-XXV, Patna for trial, copy of Chargesheet is attached herewith as Annexure-3. It has furhter been submitted that the petitioner-accused is neighbour of the informant and due to previous enmity this false case has been cooked up and against him and his family members and all have falsely been implicated in this case. It has further been submitted that petitioner-accused is rotting in jail since 12.02.2025. The petitioner is now undertakes to furnish sound sureties as directed by this Court and is ready to abide by the terms and conditions as laid down by this Court and on these grounds, prayed for privilege of bail.

Learned Special PP has opposed the prayer of bail of the petitioner.

Perused the record. From perusal of the same it transpires that the petitioner is alleged to have assaulted the victim's father when he came to rescue her father in the hut shop. The victim in her statement recorded U/s 161 Cr.P.C. too has

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made allegation against this petitioner-accused of assaulting to the victim's father. There are also lot of litigation between the parties. Except the verbal allegation of sexual harassment, nothing is specific against the petitioner who has also no previous criminal antecedent which is evident at para-14 of the case diary. Petitioner has been in custody since 12.02.2025. Considering all these facts, I am of the view that he may be released on bail.

In view of the aforesaid facts and circumstances of the case, the submissions made by the rival parties, the prayer for bail of the petitioner namely **Vicky Kumar @ Vikki Kumar** is hereby **allowed**. The petitioner is directed to be released on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of this Court with the conditions given below:-

- (i) That one of the bailor must be father/ mother or close relative of the petitioner.
- (ii) That petitioner shall remain physically present in the court on each and every date till disposal of the case.

The order is dictated and corrected by me.

Sd/. K.C. Mishra,
A.D.J. VIth -cum- Excl. Spl. Judge POCSO, Patna
Dated:- 11.03.2025