

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72837 of 2018

Arising Out of PS. Case No.-118 Year-2018 Thana- KALYANPUR District- East Champaran

Pappu Kumar @ Pappu Kumar Gupta Son of Lalji Prasad Resident of
Village- Kalyanpur, Police Station- Kalyanpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Sri Rajesh Kumar (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 13-12-2018 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Kalyanpur P.S. Case No. 118 of 2018 registered for the offences punishable under Sections 363(A), 364, 364(A), 365, 366(A), 367 of the Indian Penal Code and Section 8 of POCSO Act.

Informant is the mother of victim, who has instituted a case of kidnapping against petitioner and others of her minor daughter.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case. The victim has been recovered and her statement has been recorded under Section 164 of



Cr.P.C. in which she has stated that she has solemnized marriage with petitioner and she is pregnant also and she had not been kidnapped but she had accompanied the petitioner with her own sweet will and volition. Petitioner has no criminal antecedent and is in custody since 19.09.2018.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, East Champaran, Motihari, in connection with Kalyanpur P.S. Case No. 118 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Rajiv/Manoj

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