

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19885 of 2019**

Arising Out of PS. Case No.-254 Year-2018 Thana- MADANPUR District- Aurangabad

Shanker Bhuiya S/O Late Ramghulam Bhuiya, Resident Of Village-Chand
Bigha, Police Station-Madanpur, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Bharti
For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 02-04-2019 Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case registered for the offence punishable under Sections 366A of the Indian Penal Code and later Section 376 of IPC and Section 4 of POCSO Act was added.

Allegation against the petitioner is of kidnapping the daughter of the Informant along with other co-accused persons named in the FIR.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. The girl in her statement recorded under Section 164 of the Cr.P.C has stated that she was having love affair with petitioner and



she had gone to Dobhi with him on her own volition and sweet will and married with the petitioner. The girl has not levelled any allegation against the petitioner in her statement. Petitioner has got no criminal antecedent and is in custody since 18.10.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Madanpur P.S. Case No. 254 of 2018**, with following 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 the Court and his/her absence on two consecutive dates without sufficient reason, his/her 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)

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