

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1357 of 2019

Arising Out of PS. Case No.-243 Year-2017 Thana- MADHEPURA District- Madhepura

KARAN KUMAR @ MANTU DAS, Son of Late Najo Tanti @ Nago Das,
resident of village- Gauripor, P.S. Singheshwar, District- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. Sri Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 28-03-2019 Heard learned counsel for the parties.

Petitioner, who is in custody, seeks bail registered for the offences punishable under Sections 366A, 354A/34 of the Indian Penal Code and under Section 8 of POCSO.

Informant is the mother of victim who in her written complaint has stated that her minor daughter Sakshi Deshwani used to go to coaching institute of petitioner but on 24.04.2017 she did not return and when petitioner was contacted on his mobile, she was told that both are present near Singheshwar and thereafter police was informed and from the CCTV it was found that both were present there and left the place.

It has been submitted on behalf of the petitioner



that he is innocent and has been falsely implicated in this case. The girl has been recovered and she in her statement made under Section 164 of Cr.P.C. has stated that she had visited different place along with petitioner and she was also threatened and on suspicion both were recovered by the police at Delhi. The victim was subjected to medical examination also and medical board has assessed her age between 14 to 16. However, no external or internal injury has been found on the person of victim. Charge-sheet has been submitted against petitioner under Section 8 of POCSO Act as well under Sections 366A, 354A read with 34 of IPC. Petitioner has got no criminal antecedent and is in custody since 02.05.2017.

Considering the allegation against petitioner, I am not inclined to enlarge the petitioner on bail at this stage. Hence, the prayer for bail of the petitioner is hereby rejected.

However, it is observed that the petitioner named above be released on bail **after framing of charge by the court below** 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 **Madhepura P.S. Case No. 243 of 2017 corresponding to POCSO (Special) Case No. 22 of 2017**, with following



condition:-

(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 absence on two consecutive dates without sufficient reason, 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)

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