

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27565 of 2020

Arising Out of PS. Case No.-7 Year-2020 Thana- MAHILA P.S. District- Muzaffarpur

BITTU KUMAR S/o Sri Arun Chaudhary Resident of Village-Salaha, P.S.-
Bochaha, District-Muzaffarpur. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Bela Singh
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-10-2020 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Mahila P.S. Case No. 07
of 2020 corresponding to Sessions Trial No. 43 of 2020,
registered for the offence punishable under Sections 376, 366A,
323, 341, 504, 506 and 34 of the Indian Penal Code and section
4 of the POCSO Act.

As per prosecution case, on 03.03.2020, this petitioner
and other accused persons abducted the minor daughter of
informant. When the informant went to enquire about her
daughter, petitioner's father abused her and dashed her down by
catching her hair. It is further alleged that this petitioner
committed rape on the pretext of marriage with daughter



informant's daughter.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case. FIR has been lodged after 15 days for which there is no plausible explanation. After investigation, the police has submitted charge sheet against this petitioner under Section 366A, but differing with the same, cognizance has been taken under Section 376, 366A and 34 of IPC and Section 4 of the POCSO Act. Petitioner is in custody since 21.02.2020 having clean antecedent as stated in para 3 of the petition.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge POCSO, Muzaffarpur in connection with Mahila P.S. Case No. 07 of 2020, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be



cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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