

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14716 of 2021

Arising Out of PS. Case No.-575 Year-2020 Thana- SAHARSA District- Saharsa

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JENISH BHAGAT @ JENISH RAJ Son of Rajiv Bhagat @ Rajiv @ Rajesh Kumar Bhagat @ Rajesh Kumar Resident of Village - Birpur, P.S.- Birpur, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma, Adv.

For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 03-08-2021 In view of sudden resurgence of COVID-19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in POCSO Case No. 33 of 2020, arising out of Saharsa Sadar PS Case No. 575 of 2020, registered under Sections 363, 366A, 34 of the Indian Penal Code and Section 8 of POCSO Act.

Informant has lodged FIR alleging that his daughter is



missing and the petitioner along with others have abducted his daughter and they will commit some wrong with her.

Petitioner's counsel referring to Annexures 3, 4 and 5 of the supplementary affidavit, filed in the instant proceedings, submits that the same are the depositions of the informant, alleged victim and the mother of the alleged victim respectively. The informant at the trial as per copy of the deposition has not supported the allegations. In fact, he has stated that F.I.R. was lodged on misconception or suspicion. The victim had gone on her own volition and was not abducted. When she came back, she has disclosed the truth and therefore he has not supported the allegation. The alleged victim has also turned hostile. Mother of the victim has also not supported the allegation.

It is submitted that the petitioner is in custody since 08.08.2020 having fair antecedent. Many prosecution witnesses remained to be examined and therefore, having regard to the deposition of the aforesaid persons at the trial, further custody of the petitioner, pending trial is grossly unjustified.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge 1st-cum-Special Judge, POCSO Act, Saharsa, in POCSO Case No. 33 of 2020, arising out of Saharsa Sadar PS Case No. 575 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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