

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23647 of 2021

Arising Out of PS. Case No.-562 Year-2019 Thana- MUFFASIL District- West Champaran

ATUL KUMAR MISHRA S/o Subhash Mishra R/o Village- Khairatiya, P.S.-
Manuapul, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 07-12-2021 Let the defect(s), if any, as pointed out by the Office,

be removed within four weeks of start of normal functioning of

the physical Court.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks regular bail in connection with

Bettiah (Muffasilt) Manuapul P.S. Case No.562 of 2019

registered for the offence under Sections 366A/34 of the IPC.

As per prosecution case, the daughter of the sister of

the informant was taken forcibly by the petitioner on a

motorcycle.

Learned counsel for the petitioner submits that the

petitioner has falsely been implicated in the present case. He

further submits that from the FIR itself, it appears that the date



of occurrence is 03.10.2019 whereas the present FIR has been lodged on 05.10.2019 after delay of two days without any explanation. He further submits that victim girl in her confessional statement recorded under Section 164 Cr.P.C. has categorically stated that she has married with petitioner. He further submits that after investigation, police has already submitted chargesheet under Sections 366(A) and 34 of the IPC and 12 of POCSO Act. Petitioner is in custody since 10.11.2020.

However, learned APP for the State vehemently opposed the prayer for regular bail and submitted that the petitioner has one criminal antecedent.

Considering the aforesaid facts and circumstances and the period of custody of the petitioner, the above named petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Muffasil (Manuapul) P.S. Case no. 562 of 2019 with following conditions:-

(i) 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



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(iii) 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.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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