

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25458 of 2021

Arising Out of PS. Case No.-156 Year-2020 Thana- MAHINDWARA District- Sitamarhi

Raja Kumar, S/O- Raghubir Sahani Resident of Village- Govind Pitaujhiya,
P.S.- Mahindwara, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pushpendra Kumar Singh, Adv.
For the State	:	Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 29-11-2021 Heard learned counsel for the petitioner as well as
learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 23.12.2020 seeks
bail in connection with Mahindwara P.S. Case No.156 of 2020
registered for offences punishable under Sections 366(A)/34 of
the Indian Penal Code and Section 8/10 of POCSO Act, 2012.

Prosecution case in brief, is that on 17.12.2020 at
about 01:30 AM in the night accused person including the
petitioner took away his daughter with an intention to kill her.

Learned counsel appearing on behalf of the petitioner
submits that petitioner has been implicated in a false case and
submits that no case is made against the petitioner for alleged
offence under Section 8/10 of POCSO Act as well as under



Section 366(A)/34 of IPC since the victim has already returned her home and the matter has already compromised between the parties and as such the petitioner be released on bail.

Learned counsel appearing on behalf of the State, however, opposes the prayer of the petitioner for grant of bail.

Having considered the rival submissions of the parties, allegations made in the FIR and from perusal of paragraph-26 of the case diary, it appears that the victim girl has given her statement under Section 164 of the Cr.P.C. that she is in love relationship with the petitioner and no one has kidnapped her and force her to marry, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/-(Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, Vith-cum-Special Judge, Sitamarhi in connection with Mahindwara P.S. Case No.156 of 2020, subject to the 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.



(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.

(Purnendu Singh, J)

Prakash Narayan /-

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