

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24628 of 2021

Arising Out of PS. Case No.-248 Year-2019 Thana- RAJPUR District- Buxar

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LAXMAN BIN Son of Vijay Bin Resident of Village - Nagpur, P.S.- Rajpur,
Distt.- Buxar.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar Sinha, Advocate

For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Rajpur P.S. Case No. 248 of 2019 registered for the offences punishable under Sections 341, 323, 363, 366(A), 504, 34 of the Indian Penal Code and Sections 8, 12 of the POCSO Act.

The informant in her written report dated 04.11.2019 alleges that on 11.10.2019 her daughter was returning from the school and petitioner along with one co-accused had taken away her daughter on the way. The informant further alleges that this



incident was witnessed by two persons of her village. She further alleges that when she went to the house of the petitioner to search out her daughter, family members of the petitioner abused her.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. Learned counsel further submits that as a matter of fact, there is love affair between victim and petitioner but family members of the victim was against the marriage. Learned counsel further submits that petitioner and victim solemnized their marriage in a temple. It is further submitted that victim is blessed with child from the wedlock. It is further submitted that statement of victim has been recorded under Section 164 Cr.P.C. in which she disclosed her age as 19 years. Petitioner has clean antecedent and he is in custody since 27.08.2020. Learned counsel further submits that co-accused Bharat Bin has been granted bail by a co-ordinate Bench of this court vide order dated 12.08.2021 passed in Cr. Misc. No. 21129 of 2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, 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 the learned Additional Sessions Judge-VI-cum Special Judge, POCSO, Buxar in connection with Rajpur P.S. Case No. 248 of 2019 corresponding to POCSO Case No. 45 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:-

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such person shall not directly or indirectly make an inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.

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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