

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28415 of 2021

Arising Out of PS. Case No.-425 Year-2019 Thana- JOGAPATTI District- West Champaran

TARUN RAM Son of Vinnu Ram Resident of Village - Guruwaliya, P.S.-
Manuapul, Distt.- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Adv.
For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-10-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Yogapatti P.S. Case No.425/2019 registered for the offences punishable under Sections 363, 366(A) and 504/34 of the Indian Penal Code and Section 8 of the POCSO Act. He is in custody since 08.12.2020. The petitioner has got no criminal antecedent.

As per the prosecution story on 26.11.2019 at about 9.00 pm the sister of the informant aged about 16 years had gone to attend the call of nature but she did not return. Thereafter the informant along with his family members started searching the



victim but she was not found. On 02.12.2019 during the course of search the informant came to know that one Vicky Kumar has kidnapped the victim for the purpose of marriage. It is alleged that the informant came to know that all other co-accused named in the FIR including this petitioner had helped the co-accused Vicky Kumar in kidnapping the victim.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that this petitioner is said to be the brother-in-law of the co-accused Vicky Kumar against whom the allegation has been made that he had taken away the victim girl and no specific role has been attributed to this petitioner. It is submitted that this petitioner is in custody in connection with this case since 08.12.2020 having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner is said to be brother-in-law of the co-accused Vicky Kumar against whom the allegation has been made that he had taken away the victim girl, no specific role has been attributed to this petitioner and this Court has been informed that the victim girl has been found aged between 18 to 19 years in the medical examination (Annexure-2) and she has married the co-



accused Vicky Kumar with whom she is presently living, in the circumstances, in the opinion of this Court, further incarceration of the petitioner who is in custody since 08.12.2020 is not likely to help the prosecution, hence, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO-cum-Additional District and Sessions Judge-VI, Bettiah, West Champaran in connection with Yogapatti P.S. Case No.425/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

