

Arising Out of PS. Case No.-5 Year-2021 Thana- BANGARA District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kr. Pandey
For the Opposite Party/s : Mr. Dilip Kumar Roy
Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 03-09-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 363, 366/34A, 323, 376, 504, 506 of the Indian Penal Code and u/s 4 of POCSO Act.

As per the prosecution case, co-accused, Sujit Kumar kidnapped the minor daughter of informant and this petitioner along with co-accused, Md. Perwez, assisted in the commission of offence.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case because he is brother of co-accused, Sujit Kumar, who is alleged to have kidnapped the minor daughter of the informant. It is further submitted that during the course of investigation the victim was recovered along with co-accused, Sujit Kumar and there is no allegation of any sexual assault against this petitioner. Petitioner claims clean antecedent and is in custody since 28.02.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the



prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, 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 Additional Sessions Judge-VI-cum- Special Judge, POCSO, Samastipur in connection with Bangra PS case No.05/2021 on the following conditions:-

(1) 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.

(2) 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.

(Prabhat Kumar Singh, J)

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