

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37441 of 2020

Arising Out of PS. Case No.-95 Year-2020 Thana- MOTIHARI MUFASIL District- East
Champaran

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VICKY KUMAR SON OF JAIRAM MAHATO RESIDENT OF VILLAGE -
BATHANA, P.S. - BANJARIYA, DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Patanjali Rishi

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-02-2021 Heard both parties.

The petitioner seeks bail in Muffasil P.S. Case No. 95 of 2020 (POCSO Trial No. 19 of 2020), registered for the offence punishable under Sections 369, 366A and 34 of the Indian Penal Code and section 4/6 of the POCSO Act.

As per the prosecution case, this petitioner with the help of his family members kidnapped the daughter of informant for the purpose of marriage or indulging her in prostitution.

It is submitted on behalf of the petitioner that earlier also, petitioner was implicated by this informant for kidnapping of the victim girl vide Motihari Muffsil PS Case No. 119 of 2019 and in this case petitioner is on bail. The victim girl in her statement under Section 164 Cr.P.C has stated that she has



eloped with the petitioner out of her own will and they have also solemnized marriage in a temple. Chargesheet has already been submitted. Petitioner is in custody since 12.03.2020.

In view of the statement of victim girl under Section 164 Cr.P.C, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge I-cum-Special Judge, POCSO Act, East Champaran in connection with Motihari Muffasil P.S. Case No. 95 of 2020 (POCSO Trial No. 19 of 2020), subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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