

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40580 of 2020

Arising Out of PS. Case No.-512 Year-2019 Thana- MOHANIYA District- Kaimur (Bhabua)

ANKIT TIWARY @ ANKIT KUMAR PANDEY SON OF SHIV KUMAR
PANDEY Resident Of Village- Orgai, P. S. - Bhagwanpur, District - Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-02-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 22.01.2020 in connection with Mohania P.S. Case No. 512/19 registered for the offences punishable under Sections 366(A)/34 of the Indian Penal Code. Later on, Section 376 of the IPC and Section 6 of the POCSO Act were added.

In view of the statement of the victim girl recorded under Section 164 Cr. P.C. wherein she has disclosed her age to be 19 years and stated that out of her own sweet-will she had gone to Delhi and after sometime she returned and when she came to know that a case has been registered for her abduction, she herself reached the police station and, thereafter, her 164 statement was recorded.



It is submitted on behalf of the petitioner that the petitioner has been falsely implicated in this case due to animosity. It is further submitted that similarly situated co-accused Kamlesh Dubey and Guddu Dubey have already been granted anticipatory bail by this Hon'ble Court vide order dated 08.07.2020 passed in Cr. Misc. No. 12528 of 2020. Chargesheet has already been submitted in this case. Petitioner has got clean antecedent and he is in custody since 22.01.2020.

Considering the aforesaid facts and circumstances, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Special Judge, POCSO, Kaimur (Bhabhua) in connection with POCSO Case No. 09/2020 arising out of Mohania P.S. Case No. 512/2019, subject to 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 on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.



(2) If the petitioner tempers 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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