

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39800 of 2020

Arising Out of PS. Case No.-286 Year-2018 Thana- BARGAINIA District- Sitamarhi

SHYAM KUMAR Son of Late Kedar Prasad Resident of Ward No. 10,
Bairgania, P.S.- Bairgania, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr. Nirmal Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-09-2021 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of
four weeks.

The petitioner is apprehending his arrest in Bairganiya
P.S. Case No. 286 of 2018, registered under Sections 363,
366A, 376, 302, 120B read with Section 34 of the Indian Penal
Code and Sections 4, 6, 8 & 12 of the Protection of the POCSO
Act.

The prosecution case, in short, is that the informant's
daughter had gone to participate in a proceeding of marriage but
she did not return till night. It was suspected that one Anil
Kumar, who used to come at informant's shop and talked with



informant's daughter, would have enticed away the informant's daughter with ill intention.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. The petitioner is not named in the FIR. His named transpired in the present case on the basis of confessional statement of co-accused who is not named in the FIR. Except for suspicion, there is no other substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the State, it is submitted that the petitioner is not named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Additional District & Sessions Judge-VI-cum-Special Judge, Sitamarhi, in connection with Bairgania P.S. Case No. 286 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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