

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4336 of 2021

Arising Out of PS. Case No.-89 Year-2018 Thana- PATEPUR District- Vaishali

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Anil Rai (M), aged about 40 years, Son of Narayan Rai @ Ram Narayan Ray
Resident of Village - Maudah Chatur, P.S.- Patepur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Umeshanand Pandit

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 21-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Patepur P.S. Case No. 89 of 2018, registered for the offence under Sections 363/366(A)/34 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

As per the prosecution case, on 27.05.2018 at about 7:00 AM, the minor daughter of the informant went to attend the coaching class, but she did not return. Petitioner alongwith other co-accused persons are suspected to have kidnapped the minor daughter of the informant.

It is submitted on behalf of petitioner that petitioner is *pattidar* of the informant and due to land dispute, he has been



falsely implicated in this case. The victim girl, in her statement recorded under Section 164 of the Cr.P.C., has stated that after remaining for about six months in Bombay, she anyhow came to Hajipur, but she has not uttered any foul against this petitioner. Petitioner claims clean antecedent and he is in custody since 19.10.2020. Chargesheet has already been submitted.

Learned A.P.P. for the State has opposed the bail petition.

Considering the rival submissions of the parties and the materials available on record as well as statement of the victim girl recorded under Section 164 of the Cr.P.C., the bail petition of petitioner is allowed. Let the above named petitioner 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 learned Addl. District & Sessions Judge VI cum Special Judge, Vaishali at Hajipur in connection with Patepur P.S. Case No. 89 of 2018, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his 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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