

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9671 of 2021**

Arising Out of PS. Case No.-118 Year-2020 Thana- BAIRIYA District- West Champaran

Pawan @ Chhotu Kumar @ Prabhat Kumar Son Of Sri Sipahi Baitha
Resident Of Village- Bairiya, P.S.- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Damodar Pd. Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 01-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard both parties.

The petitioner seeks bail in Bairiya P.S. Case No. 118
of 2020, registered for the offence punishable under Sections
363, 366A/34 of the Indian Penal Code and section 12 of the
POCSO Act.

As per the prosecution case, petitioner and his family
members are alleged to have kidnapped the minor daughter of
informant.

It is submitted on behalf of the petitioner that
petitioner has falsely been implicated in this case. The victim
girl in her statement under Section 164 Cr.P.C has stated that she
was not kidnapped rather out of own volition and free will



married with Chhotu Baitha (petitioner) in Durga Mandir and has stated her age to be 18 years and she also desires to live with her husband. Petitioner is in custody since 02.06.2020 having clean antecedent. Chargesheet has already submitted.

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 7th Additional Sessions Judge-cum-Special Judge (POCSO Act), West Champaran, Bettiah in connection with Bairiya P.S. Case No. 118 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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