

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8716 of 2021**

Arising Out of PS. Case No.-199 Year-2020 Thana- SITAMARHI District- Sitamarhi

AKHILESH KUMAR SON OF RAJMANGAL RAI @ DHARMVEER
PASWAN R/O VILLAGE BHANDAR, P.S. DHAKA, DISTT.- MOTIHARI.
PERMANENT RESIDENT OF BUNIYADI TOLA, WARD NO. 10, P.S.
RIGA, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate.

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 30-04-2021 Learned Counsel for the Petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Anant
Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Sitamarhi P.S. Case No. 199 of 2020 registered for
the offences punishable under Sections 363, 366 (A), 34 of the Indian
Penal Code and Section 8 of the POCSO Act.

Learned counsel for the petitioner submits that the
daughter of the informant left her house with her clothes, ornaments
and money with the accused persons. When the informant reached
his home, he found all the household articles scattered, in the
meantime, the petitioner Akhilesh Kumar called on his phone and



threatened him.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. The Petitioner has got no criminal antecedent. The petitioner is in custody since 17.06.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it appears from the materials placed on record that the victim girl has left her house on 17.3.2020 with her clothes and the ornaments but the present FIR has been lodged on 23.03.2020, again the victim girl appeared and made her statement under Section 164 Cr.P.C. before the learned Judicial Magistrate that she is aged about 19 years and she was in love with this petitioner but because both of them belong to different castes their families were not agreeing to marry them and further she has stated that she has married with the petitioner and is living with him as his wife, she has categorically stated that she was never kidnapped or abducted and she wants to live with her husband, in the nature of materials placed before this Court, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge VI-cum-Special Judge, Sitamarhi in connection with Sitamarhi P.S. Case No. 199 of 2020, subject to the conditions as laid down under Section



437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'

