

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11280 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- HIRAMMA P.S. District- Sheohar

CHHOTELAL ANSARI Son of Nasir Ansari Resident of Village- Hiramma,
P.S.- Hiramma, District- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 16-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

A supplementary affidavit, carrying out necessary correction in the main petition, has been filed on behalf of the petitioner, which is kept on record.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 363 and 366 (A) of the IPC and subsequently Section 4 of POCSO Act.

The prosecution case, in short, is that on 21.12.2021, the petitioner is alleged to have kidnapped the minor daughter (the victim) aged about 17 years for the purpose of marriage.



Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that as per FIR the occurrence has taken place on 21.12.2021 and FIR has been instituted on 25.12.2021. Further submits that the victim was recovered and her statement was recorded under Section 164 Cr.P.C. in which she categorically stated that she has gone with the petitioner in her own sweet-will and there is no kidnapping. Further submits that the medical examination of the victim reveals that she is major and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 26.12.2021.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 Court below where the case is pending in connection with Hiramma P.S. Case No.99 of 2021, with the 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 and on his/her absence on two consecutive dates without sufficient reason, his/her 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.

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.

(Rajesh Kumar Verma, J)

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