

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11354 of 2022

Arising Out of PS. Case No.-313 Year-2021 Thana- GAIGHAT District- Muzaffarpur

AJAY KUMAR S/o Bhajan Mahto @ Ramchander Mahto, R/o Village-
Sakarwara Noor @ Sakarbara Sabik, P.S.- Gaighat, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Uday Pratap Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Gaighat P.S. Case No. 313 of 2021 lodged under Section 363
and 366(A)/34 of the Indian Penal Code read with Sections 8/12
of the POCSO Act.

The allegation as per the informant is that on
07.09.2021 at about 8.00 a.m. the sister of the informant did not
return back home, in search, the informant and other family
members come to know that the petitioner and others had
kidnapped his sister with intention to throw her in flesh trade or
to commit sexual intercourse with her.

Learned counsel for the petitioner submits that the alleged kidnapped girl was recovered and she has deposed in her statement under Section 164 of Cr.P.C. that when she was going to school, she was chased by the present petitioner and one Abhishek. She also alleged that they pressed her mouth and got her seated on their bike when she gain sense, she found herself alone, the door was opened and she fled away from there. Learned counsel for the petitioner further submits that he has apprehension that the informant's side file a criminal case against him due to dispute took place between the petitioner and the informant's family. In this regard, the petitioner has already filed an informatory narrating the entire facts on 12.03.2021 itself, whereas the present case has been lodged on 07.09.2021. Learned counsel for the petitioner further submits that petitioner is in custody since 09.09.2021 having clean antecedent and charge sheet has already been filed.

Learned counsel for the State opposes the prayer for bail and submits that petitioner is a teacher doing respectable work of teaching but the allegation against him is heinous in nature. Therefore, bail should be rejected.

Upon going through the facts and circumstances of the case and the submissions made above and annexure-2 which

is informatory filed by the petitioner much prior to the said event and also considering the period of custody, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Act, Muzaffarpur in connection with Gaighat P.S. Case No. 313 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands

allowed.

(Dr. Anshuman, J.)

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