

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11407 of 2022

Arising Out of PS. Case No.-236 Year-2021 Thana- DELHA District- Gaya

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SURAJ KUMAR @ SURAJ KUMAR BHARDWAZ Son of Sri Niranjan Kumar Sharma, Resident of Village- Khaira, Police Station- Tekari, District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr.Lakshmi Kant Sharma, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma, APP.

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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 Delha P.S. Case No. 236 of 2021(POCSO Case No.122 of 2021) lodged under Sections 366A and 120(B)/34 of the Indian Penal Code read with Section 8 of the POCSO Act.

As per the F.I.R., the allegation against the petitioner is that he is a criminal and character less boy, who has kidnapped the minor daughter of the informant with bad intention, in result the present case has been lodged under the I.P.C. and POCSO Act.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that after recovery, the alleged victim has deposed before the Trial Court that she herself went to the petitioner's house and they entered into marriage. She deposed every story about the innocence of the petitioner. Learned counsel for the petitioner further submits that Adhar Card of the victim is annexed as Annexure-3, according to which she is major but he also submits that in the birth certificate of the school, she was shown minor and in case, there is a controversy between the two documents, the medical report shall be very much relevant. Learned counsel for the petitioner further submits that he has categorically stated in paragraph-11 of the petition that the police took the victim for medical examination where the victim girl refused for medical examination. Her refusal was supported by the mother and the doctor. That contention has also come in paragraph-35 of the case diary. It has been further submitted by the learned counsel for the petitioner that petitioner is in custody since 30.09.2021, charge sheet has already been filed and he has clean antecedent.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the case and the submissions made above, particularly annexure-3 and paragraph-35 of the case diary, I am of the view that 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 Addl. Sessions Judge-VI-cum-Special Judge, POCSO, Gaya in connection with POCSO Case No. 122 of 2021, arising out of Delha P.S. Case No. 236 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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