

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12061 of 2022

Arising Out of PS. Case No.-29 Year-2016 Thana- BEGUSARAI TOWN District- Begusarai

Chandan Kumar @ Chandan Anand Son of Yogi Goswami R/O Village-
Khanjahapur, Karor, P.S.- Cheria Bariyarpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 29-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in POCSO Case No.
04/20216 in connection with Begusarai Town P.S. Case No.
29/2016 registered for the offences punishable under Sections
363/ 366/ 325/120B of the Indian Penal Code and Sections 3, 4,
6, 8 & 12 of the POCSO Act. Charge sheet has been submitted
under Section 363, 366A and 34 of the I.P.C. against the
petitioner along with co-accused persons.

As per prosecution case, the informant has alleged
that the daughter of the informant has been taken away by the
petitioner and others for unknown place.

Learned counsel for the petitioner submits that



petitioner has falsely been implicated in this case. The petitioner is in custody since 03.01.2022 and petitioner bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering the evidence. He further submits that alleged occurrence took place on 04.01.2016 whereas complaint had filed on 12.01.2016 there is much delay and the complaint was converted into FIR on 18.01.2016.

Learned counsel for the petitioner further submits that the statement of victim recorded under Section 164 Cr.P.C. where she denied the allegation of kidnapping in respect to the present petitioner and there is love affairs between them. Both are enjoying their conjugal life and victim has blessed with three children. Charge sheet has been submitted in this case against the petitioner under Sections 363, 366 and 120B of the I.P.C. not under the POCSO Act.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, the nature of allegation as alleged against the petitioner, the statement of victim recorded under Section 164 Cr.P.C., which has denied the participation of the present petitioner, charge sheet has already been submitted and



keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Act, Civil Court, Begusarai in connection with Begusarai Town P.S. Case No. 29/2016, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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