

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14152 of 2022

Arising Out of PS. Case No.-41 Year-2020 Thana- GAUNAHA District- West Champaran

RAHUL KUMAR SON OF BHIM YADAV R/O VILLAGE- PARASA, P.S.-
GAUNAHA, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Shrivastava, Adv.
For the Opposite Party/s	:	Mr.Bharat Bhushan, APP.
For the Informant	:	Miss. Anjali Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-09-2022 Heard learned counsel for the petitioner and learned
counsel for the informant as well as the learned A.P.P. for the
State.

The petitioner seeks bail in a case registered for the
offence under Sections 363/366(A)/34 of the Indian Penal Code
but the police submitted charge-sheet U/S 363/366(A)/34 I.P.C
read with section 8 of POCSO Act.

The daughter of the Informant is said to have been
abducted by the petitioner and his companion.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case merely on the basis of
suspicion. He further submits that there is general and omnibus
allegation against the petitioner and no specific allegation of



assault is attributed to him. He further submits that the alleged occurrence is said to have committed on 22.03.2020 whereas the FIR has been lodged on 27.03.2020 after lapse of five days without any plausible explanation which creates doubt over the prosecution version. He further submits that there is no eye witness to the alleged occurrence. The petitioner is rotting in judicial custody since 10.08.2021.

Learned counsel for the petitioner submits that in compliance of order dated 22.08.2022, Superintendent of police, West Champaran, Bettiah has submitted its report with respect to whereabouts of the victim girl from which it reveals that during investigation, the villagers have stated that the victim girl left her house on her own sweet will and went to the house of the accused persons and when the informant came to know about this fact, then the informant as well as his relatives went to the house of the accused persons and took her back with them and soon after two days, the victim is traceless.

In view of the aforesaid report, learned counsel for the petitioner submits that the informant might have disappeared his daughter and the petitioner has falsely been made accused in this case.

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

Considering the facts and circumstances of the case, let



the, above named, petitioner 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 Gaunaha P.S. Case No. 41 of 2020 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 canceled 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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