

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16785 of 2022

Arising Out of PS. Case No.-159 Year-2021 Thana- NAUTAN District- West Champaran

PAWAN PANDEY S/o Awadh Pandey Resident of Village- Mangalpur, P.S.-
Nautan and District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Raj, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-07-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with
Nautan P.S. Case No. 159 of 2021 under Sections 366A and
34 of the Indian Penal Code and Section 8 of the POCSO Act.

The daughter of the informant is said to have been
abducted by the petitioner and his associates for the
purpose of marriage.

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. He
further submits that in fact the petitioner and victim were in
love with each other and both of them have performed
marriage and they are living happily together. He further
submits that the statement of the victim was recorded under



section 164 of the Cr. P. C. in which she has denied the allegation leveled against the petitioner in the FIR. She has also admitted that she was having love affairs with the petitioner and on account thereof she herself left her house and performed marriage with the petitioner. He further submits that no case of abduction attracting section 366A of the Indian Penal Code is made out against the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner and the petitioner is rotting in judicial custody since 30.06.2021.

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 Nautan P.S. Case No. 159 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 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.

(3) One of the bailors shall be the victim of this case namely Mamta Kumari.

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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