

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18437 of 2022

Arising Out of PS. Case No.-34 Year-2022 Thana- KHANPURA District- Samastipur

Gunjan Kumar Son of Kaushal Kishor Jha Resident of Village - Khatuaha
khairi, Ward no.10, Bahuarpatti, P.s.- Khanpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No1, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 363, 366A/34 of the Indian
Penal Code and Section 8, 17 of the POCSO Act.

According to prosecution case, as per F.I.R. on
19.02.2022, when daughter of the informant went out to meet
nature's call but did not return back even after too much time
whereafter informant and his family members started searching
her out but could not find her out. The informant came to know
from his neighbourers that three boys were present and talking
over mobile phone beside his house with motorcycle. When the



informant came back and searched his own mobile phone then he found that he has received phones from mobile numbers 9693386879, 7903868861, 6207912613 over his mobile number 7631515395, all those three numbers were unknown to him. Then he found the information's about those three unknown number then the informant came to know that those three unknown numbers were of Gunjan Kumar, Prince Kumar and Rohit Sah. The informant had believe that his daughter was kidnapped by those three accused persons with ulterior motives of forcing her into immoral trafficking/prostitution.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the alleged occurrence took place on 19.02.2022 but the present F.I.R. has been instituted on 24.02.2022 after delay of five days without any explanation of delay. He further submits that the victim girl was recovered and her statement was recorded under Section 164 Cr.P.C., in which she has not stated anything about the petitioner. The petitioner is in custody since 25.02.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the



ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Khanpur P.S. Case No. 34 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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. 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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