

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19487 of 2022

Arising Out of PS. Case No.-83 Year-2021 Thana- NATHNAGAR District- Bhagalpur

SAMARJIT SINGH @ NANKU SINGH S/o Late Kailash Singh @ Kailu Singh Resident of Village- Makandpur, Ward No.11, P.S.- Naghnagar, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-08-2022 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 366(A), 379, 504 and 506/34 of the Indian Penal Code and Section 4 of the POCSO Act.

The daughter of the informant is stated to have been kidnapped by the petitioner and others 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 as a matter of fact, the alleged occurrence took place on 02.02.2021 whereas the F.I.R. has been instituted on 04.02.2021 after lapse of two days without any explanation. He further



submits that the petitioner and the victim were having love affairs and on account of that both of them have performed marriage. He further submits that the victim in her statement recorded under Section 164 Cr.P.C. has categorically stated that she has gone to Kolkata and she performed marriage with the petitioner there as per her own volition and sweet will, therefore, no case under Section 366(A) of the I.P.C. is made out against the petitioner. He further submits that so far as Section 4 of the POCSO Act is concerned, the same does not apply in this case as the age of the victim is 18 years and considering her majority, she has been released by the learned Magistrate, Bhagalpur to reside with the petitioner and his family. He further submits that the parties have compromise their case therefore, nothing remains in this case for the prosecution of the petitioner any further. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 09.02.2022.

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 POCSO Case No. 98



of 2021 arising out of Nathnagar P.S. Case No. 83 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 father of the victim girl, who is also an informant, namely, Dashrath Mandal, in this case.

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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