

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31308 of 2021

Arising Out of PS. Case No.-132 Year-2020 Thana- SAUR BAZAR District- Saharsa

Prashant Kumar @ Prasant Kumar Son of Ram Pukar Mahto Resident of
Village - Jamhara Naya Tola Ward No. 6, P.S.- Sour Bazar (Patarghat O.P.),
District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with POCSO Case
No. 39 of 2020 arising out of Sour Bazar (Patarghat O.P.) P.S.
Case No. 132 of 2020 registered for the offences punishable
under Sections 363, 365, 366/34 of the Indian Penal Code.

According to prosecution case, as per F.I.R. petitioner
along with other alleged to have kidnapped the minor victim of
this case.



Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that the victim Mausam Kumari was in love with the petitioner and the victim girl in her statement recorded under Section 164 Cr.P.C. wherein she has stated that she was not kidnapped and she has gone with the petitioner with her own will and performed marriage with the petitioner. It is further submitted that charge sheet has been submitted in this case under Section 363, 365, 366(A) of the Indian Penal Code and Section 8 of POCSO Act. The petitioner is in custody since 31.08.2020.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail.

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 Additional Sessions Judge-I-cum-Special Judge, POCSO Act, Saharsa in connection with POCSO Case No. 39 of 2020 arising out of Sour Bazar P.S. Case No. 132 of 2020, 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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