

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27178 of 2022

Arising Out of PS. Case No.-221 Year-2021 Thana- GAUNAHA District- West Champaran

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Anil Kumar @ Anil Kumar Ram, Son of Sahangu Ram @ Sahgu Ram,
Resident of village-Mahua Bhusha, P.S.- Gaunaha, District - West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-08-2022 None appears on call through virtual mode in view of
COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Gaunaha P.S. Case No.221 of 2021 instituted under
Sections 366(A)/34 of the Indian Penal Code and Section 8 of
the POCSO Act.

As per the prosecution story, it has been alleged that
the accused persons under conspiracy kidnapped the minor
daughter of the informant attributing main role to the petitioner
herein.

As per the averment made in the FIR, the allegation is
of 07.10.2021 whereas the FIR was lodged on 20.10.2021 and



there is nothing in the FIR to show the said inordinate delay of 13 days. It has further been averred with the support of the medical examination report of the girl to show that she was not minor rather in the opinion of the doctors, she was between 17-19 years of age. The further averment is that the petitioner is in custody since 01.02.2022 and has no criminal antecedent.

Considering the aforesaid fact that the petitioner is in custody since 01.02.2022, he has no criminal antecedent, there is inordinate delay of 13 days in lodging the FIR without any explanation, in the medical examination report, the doctors have opined her age to be 17-19 years, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Gaunaha P.S. Case No.221 of 2021 to the satisfaction of learned Additional District & Sessions Judge, 7th-cum-Special Judge (POCSO), Bettiah, West Champaran, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his/her bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his/her presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his/her bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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