

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30915 of 2022

Arising Out of PS. Case No.-96 Year-2021 Thana- KATIHAR MUFFASIL District- Katihar

Saurav Kumar @Bittu Son Of Late Mukesh Kumar Sah Resident Of Mohalla-
Haflaganj , P.S- Muffasil , Dist- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR .

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Mritunjay Kumar Nirala, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to re-
move the defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Petitioner seeks bail in a case registered for the of-
fences punishable under Sections 363, 366-A of the Indian penal
Code and under Section 12 of the POCSO Act alongwith Sec-
tion 3(1) (w) (i) of the SC/ST Act, 1989.

According to prosecution case, on the basis of the
fardbeyan of the informant Smt. Baby Devi recorded through
her husband Rampravesh Paswan before the police alleging
therein that her daughter Ankita Kumari aged about 14 years
went for a walk on road at about 4:00 a.m. on 11.6.2021, but
when after long duration she didn't returned back, the informant



and her family started to look for her. By their knowledge received, it is said that her daughter-Ankita used to talk to the accused petitioner on mobile number 6363042411 and even he was missing since the same morning. When the accused was again called on the same number, he started dillydallying and didn't divulge any details, thereafter the informant contacted his relatives for seeking information. In the meanwhile, after some-time, the informant received a call from the same aforesaid number 6363042411, on which the informants daughter Ankita was speaking and who informed that she has been taken to Naugachiya (Bhagalpur) where she has been kept presently at the railway station and the accused persons are contemplating to take her away. On getting such information from her daughter, the informant contacted one of her relatives who lived near Naugachiya railway station and by sending the photographs of Ankita on WhatsApp, requested him to stop her there itself. It is further case of the informant that even she and her relatives rushed to Naugachiya railway station and from there they reached at their relative's place where her daughter and the accused petitioner were both present. The informant brought both of them back to Katihar. Due to being involved in search of her daughter, she further narrates that the accused petitioner had ab-



ducted her daughter Ankita with the intention of marriage and that by retrieving her minor daughter Ankita she is being taken away while the kidnapper Saurav is being handed over to P.S.- Muffasil – Katihar for appropriate legal action.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that as per allegation in the F.I.R. is that the petitioner has kidnapped the victim girl with the purpose of marriage. He further submits that the same day the victim was recovered and her statement was recorded under section 164 Cr.P.C. in which she has not stated anything about the sexual assault against the petitioner and even as per information till date no medical examination has been performed. He further submits that both the parties filed a joint compromise petition before court concerned on 15.06.2021 (Annexure-3). He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 12.06.2021.

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

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 Muffasil P.S. Case No. 96 of 2021, 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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