

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42071 of 2021

Arising Out of PS. Case No.-67 Year-2021 Thana- KOTWA District- East Champaran

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GULSHAN KUMAR THAKUR S/O RAJESH KUMAR THAKUR
RESIDENT OF VILLAGE-PARSHURAMPUR DUMRI, P.S-PIPRA,
DISTRICT-EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 16-08-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with Kotwa
(Bhopatpur) P.S. Case No. 67 of 2021 registered for the offences
punishable under Sections 363, 366A, 506, 34 of the Indian
Penal Code read with Section 8 & 12 of the POCSO Act.

As per prosecution case, accusation against the
petitioner and others to entice the informant's daughter with
intention to kidnap for purpose of marriage. It is further alleged
that informant's daughter has been physically and mentally
exploited and threatening was being given on mobile.



Learned counsel for the petitioner submits that petitioner is in custody since 02.04.2021. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that doctor has found her age 17 ½ to 18 ½ years as referred to the impugned order. Learned counsel further submits that the statement of victim recorded under Section 164 Cr.P.C. It appears that informant's daughter was not kidnapped by the petitioner as same is found in the impugned order.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, statement of victim shows that the petitioner did nothing to elope the victim girl, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-



Special Judge POCSO, Motihari, East Champaran, Bihar in connection with Kotwa (Bhopatpur) P.S. Case No. 67 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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