

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32774 of 2022**

Arising Out of PS. Case No.-83 Year-2019 Thana- BAKHTIYARPUR District- Patna

Prince Kumar Son of Late Santosh Singh Resident of Village - Dedaur, P.S.-  
Bakhtiyarpur, P.s.- Bakhtiyarpur, Dist.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Vijay Anand, Advocate.

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP.

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      05-09-2022                      The learned counsel for the petitioner is directed to re-  
  
move all the defects pointed out by the Stamp Reporter within  
  
one month.

Mr. Vijay Anand, learned counsel for the petitioner  
and Mr. Kumar Veerendra Narayan, learned APP for the State  
are present.

Petitioner seeks regular bail in connection with  
Bakhtiyarpur P.S. case no. 83 of 2019 registered for the offences  
punishable under Section 366A and 376 of the Indian Penal  
Code and Section 4, 6 of the POCSO Act.

The main allegation is that the petitioner and co-ac-  
cused persons who happen to be co-villagers of the informant  
kidnapped the informant's minor daughter and forcefully took  
the victim by a motorcycle and the informant claimed that she



herself had seen the alleged occurrence of kidnapping.

The main submissions advanced by Mr. Vijay Anand, learned counsel for the petitioner are that the petitioner has been languishing in jail since 30.07.2021 having clean antecedent and the so called victim has been recovered and she has recorded her statement in which she made main allegation against the co-accused Phonu Kumar and the name of this petitioner did not find place in the statement of the victim. Further submission is that good relation has now developed in between both the parties and informant has compromised this case and she has filed compromise petition before the Court below.

Mr. Kumar Veerendra Narayan, learned APP has opposed the prayer for bail.

Heard both the sides and perused the FIR and victim's statement recorded under Section 164 Cr.P.C. The present petitioner is stated to be 21 years old as per his petition and he has got clean antecedent and the victim has been recovered and she mainly made allegation against the co-accused Phonu Kumar and she did not reveal the name of this petitioner though as per her statement the other co-accused persons had their faces covered at the time of alleged occurrence but the said fact is completely contradictory to the facts and allegation of FIR lodged



by the victim's mother who claimed herself to be an eye witness of the alleged occurrence. Considering these facts as well as above submissions and petitioner's clean antecedent, his custody period and his young age, in the opinion of this Court, a lenient approach can be taken in respect of petitioner's prayer let the 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 concerned Court in connection with Bakhtiyarpur P.S. case No. 83 of 2019 on 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 below and shall remain physically present as directed by the Court below 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) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal an-



tecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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