

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33130 of 2022**

Arising Out of PS. Case No.-12 Year-2021 Thana- SAHARSA SADAR District- Saharsa

Ashish Kumar @ Ashish Raj @ Pappu @ Pappu Kumar S/o Sri Suresh Yadav
@ Suresh Prasad R/o village- Ratansar, P.S.- Chhatapur, Distt.- Supaul

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha
For the Opposite Party/s : Mr.Md. Ataur Rahman

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 21-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the offences punishable under Sections 363, 366, 366A of the Indian Penal Code and Section 8 of the POCSO Act.

According to prosecution case, as per written statement of the informant namely Ravindra Kumar alleging therein that on 27.12.2020 when his wife Nisha Kumar and Niece Aditi Priya whose date of birth is 24.05.2004 went to market but both of them did not return back to the house and thereafter he searched them but he did not find any trace and he came to know from the reliable sources that Ashish Kumar @



Pappu, Suresh Yadav (father of Ashish Kumar), mother and sister of Ashish Kumar and Ajay Kumar, Vijay Kumar, Kashi Mahto (father of Ajay Kumar) and mother and sister of Ajay Kumar and some unknown persons have kept his minor Niece Aditi Priya and wife Nisha Kumar when they collected gold silver jewellery and cash Rs.50,000/-. It is further alleged that on 28.12.2020 when the informant went to the house of Ajay Kumar and Ashish Kumar then their mother, father, brother and sister assured him that till 04.01.2021 they will return his wife and Niece and when they did not return back his wife and niece then he went to the house of Ajay Kumar where one Suresh yadav the father of Ashish Kumar @ Pappu was also present there and they abused the informant stating that his wife and niece will not be returned back and Ashish Kumar @ Pappu and Ajay Kumar used to threaten him by their mobile phone stating that they will kill him if the case will be lodged.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that in fact the petitioner and victim girl was in love and they have solemnized the marriage on 27.01.2021 in Arya Samaj Mandir, Mithapur, Patna. He further submits that the statement of the victim girl recorded



under Section 164 Cr.P.C. in which she has categorically stated that she has performed the marriage with the petitioner and she is living with the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 27.03.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

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 Special (POCSO) Case No. 02 of 2021, Saharsa Sadar P.S. Case No. 12 of 2021, subject to the following conditions:-

1. One of the bailor should be victim girl namely, Adity Priya.

2. 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.

3. 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.

4. 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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