

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34773 of 2022

Arising Out of PS. Case No.-923 Year-2018 Thana- BETTIAH CITY District- West
Champaran

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Vikky Kumar @ Bacha S/o Late Julum Chaudhary, Resident of Mohalla-
Baswariya, Daroga Tola, P.S.- Bettiah Town, District- West Chamapran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bettiah Town P.S. Case No. 923 of 2018, lodged under section
363/366 of the Indian Penal Code read with Section 8 of
POCSO Act.

As per the prosecution case, the allegation has been
made against 11 known accused persons by the informant that
the above named persons have evade her minor daughter and the
said kidnapping has been made only by virtue of doing immoral
trafficking. It has also been alleged that they have also
committed 5-6 such type of crime earlier.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He further submits that the victim has been recovered and categorically narrated her statement under Section 164 of Cr.P.C. and in the said statement she has not alleged anything adverse against the petitioner rather she alleged adverse against the informant and his newly wedded wife who is her step mother. Learned counsel for the petitioner further submits that she has categorically and specifically mentioned that the petitioner has entered into marriage with the alleged victim and she blessed with a child out of the said wedlock in question. It has also been stated by the learned counsel for the petitioner that after release from child care home the alleged victim is presently residing with the family of the petitioner. He further submits that petitioner is in custody since 01.03.2022 having clean antecedent.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI cum Special Judge-POCSO, Bettiah, West Champaran in connection

with Bettiah Town P.S. Case No. 923 of 2018, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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