

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35860 of 2022

Arising Out of PS. Case No.-27 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

VIJAY KUMAR KUSHWAHA S/o Sudhu Singh, R/o Village Dadar, P.S.
Mohania, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Informant : Mr. Abhash, Advocate

Mr. Raju Kumar, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 20-09-2022 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
POCSO Case No.14 of 2022, arising out of Mohania P.S. Case
No. 27 of 2021 lodged under Section 366(A) of Indian Penal
Code read with Section 4 of POCSO Act.

F.I.R. has been lodged against unknown persons that
the daughter of the informant has been kidnapped by someone
with a view to marry.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He further
submits that the alleged victim girl has been recovered and she
has adduced her statement before the Magistrate under Section

164 of Cr.P.C. in which there is absolutely no allegation made by her against anyone. In the statement under Section 164 of Cr.P.C. itself the girl has said that she entered into marriage with the petitioner. The present position is that the victim girl was released in favour of the parents of the petitioner from the Court and presently she is residing with the parents of the petitioner. It has also been informed by Bar that she blessed by a child from the said marriage and she still residing with the family of the petitioner. Learned counsel for the petitioner further submits that petitioner is in custody since 11.04.2022 having clean antecedent and charge sheet has already been filed in this case.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that as per school certificate, the girl is minor, therefore, case diary may be called for.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the 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 Addl. Sessions Judge-VIII-cum-

Special Judge, POCSO Act, Kaimur at Bhabua in connection with POCSO Case No.14 of 2022, arising out of Mohania P.S. Case No. 27 of 2021, 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 an 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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