

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38047 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- PUNAURA District- Sitamarhi

1. Mahanand Ram Son of Ram Ashish Ram, R/o Village- Govind Fandah, P.S.- Punarua, Distt.- Sitamarhi
2. Dev Ranjan Ram Son of Late Bashishtha Ram, R/o Village- Govind Fandah, P.S.- Punarua, Distt.- Sitamarhi
3. Ganesh Ram Son of Late Jitu Ram, R/o Village- Govind Fandah, P.S.- Punarua, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 23-09-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual mode.

The petitioners seeks regular bail in connection with Punaura P.S. Case No. 65 of 2022, lodged under Sections 363, 366(A)/34 of the Indian Penal Code read with Section 8 of POCSO Act.

As per the prosecution case, the allegation of kidnapping of the minor girl of the informant is there in the F.I.R. and in total 9 named accused persons and other unknown

persons have been made accused in the F.I.R.

Learned counsel for the petitioners submits that the alleged kidnapped girl has been recovered and adduced her statement under Section 164 of Cr.P.C. before the Magistrate. He further submits that on the basis of her statement recorded under Section 164 of Cr.P.C. and other materials on record the Police has submitted the final form which is Annexure-2 and found this case to be not true. He further submits that upon submission of final form in this case the Special Court has deferred from the final report submitted by the Investigating Officer and has taken cognizance in this case. He further submits that petitioners are in custody since 02.04.2022, 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 petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District Judge VI -cum- Special Judge POCSO Act in connection with Punaura P.S. Case No. 65 of 2022, subject to the conditions as laid down under

Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners 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 their bail bonds.

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

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

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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