

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37946 of 2022

Arising Out of PS. Case No.-314 Year-2021 Thana- LAURIA District- West Champaran

Vikash Kumar, Son of late Laxman Ram Resident of village- Belwa Ramauli,
P.s.- Lauriya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mrs. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-09-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of
the complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Lauriya P.S. Case No.314 of 2021 instituted under
Sections 363, 366A, 34 of the IPC and under Section 8 of
the POCSO Act.

As per the prosecution story, the informant had
alleged that his minor daughter had gone to attend the call
of nature and when she fell to return home, search was
made whereafter they came to know that Vikash Kumar
(petitioner herein) and Munna Ram have kidnapped his
daughter with an intention to marry her. When they went to



petitioner's home, they were abused by the family members of the petitioner. Accordingly, the present case came to be instituted.

Learned counsel for the petitioner submits that there is delay of seven days in the institution of the FIR inasmuch as the informant alleges the case to be 05.12.2021, the FIR was lodged on 13.12.2021. It is his further submission that the victim girl was subsequently recovered and she made statement under Section 164 of the Cr.P.C. stating therein that she was never kidnapped and further if anything happens to her or the petitioner herein, his family members will be responsible. He has also taken this Court to the medical report, according to which the girl has been found to be 18-19 years of age.

Mrs. Asha Devi, learned APP on the other hand submits that there is allegation of kidnapping of the minor girl and as such the petitioner does not deserve bail.

Taking into account the fact that the petitioner is in custody since 18.01.2022, he does not have criminal antecedent, charge-sheet stands submitted, the statement of the victim girl under Section 164 Cr.P.C. does not support



the prosecution story, medical report also says her to be major, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Lauriya P.S. Case No.314 of 2021 to the satisfaction of learned 7th Additional District & Sessions Judge-cum-Special Judge (POCSO), Bettiah at West Champaran, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing



any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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