

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49397 of 2021

Arising Out of PS. Case No.-31 Year-2020 Thana- NAYAGAON District- Begusarai

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SANJAY RAI Son of Shri Ram Uday Rai Resident of Village - Mathar, P.S.-
Nayagaon, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh, Advocate.

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-04-2022 Heard the parties in virtual Court.

Let the defect(s), if any, be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with Nayagaon P.S. Case No. 31 of 2020 for the offence punishable under Sections 363 and 366A/34 of the Indian Penal Code and Section 4 of the POCSO Act. Later on Section 376/34 was also added.

The prosecution story, in brief, is that the petitioner along with other accused persons kidnapped the minor grand-daughter of the informant, aged about 15 years.

Learned counsel appearing on behalf of the petitioner submits that by Annexure-2 series, he has brought on record the



deposition made by the informant as well as the victim girl. The grand-father of the victim girl is the informant of the present case and in his deposition, he has made statement that the victim was taken away by this petitioner along with co-accused Akash and Chandan. The victim returned back and no allegation of any physical assault or sexual assault has been alleged against the petitioner. To above effect, the informant has made his deposition on 11.12.2020. The victim in her deposition dated 11.01.2021 has also stated that she had gone to her paternal aunt at Simaria and returned back after 15 days. She has not made any allegation against the present petitioner of any physical assault or sexual assault. Petitioner is in custody since 08.12.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Taking into consideration the deposition made by the victim girl, wherein she has not made any specific allegation against the petitioner, the petitioner, above named, who is in custody since 08.12.2020, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-VI cum



Special Judge, POCSO, Begusarai in connection with Nayagaon
P.S. Case No. 31 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient
immovable property within the jurisdiction of the Court
concerned.

(2) Petitioner shall co-operate in the trial and shall be
properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the
witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature
of offence, after his release on bail, the trial Court shall take
steps to cancel his bail bonds.

(Purnendu Singh, J)

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