

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57796 of 2021

Arising Out of PS. Case No.-257 Year-2021 Thana- BARACHATTI District- Gaya

Vivekanand Singh Son Of Dayanand Singh R/O Village- Kapeya, P.S.- Alipur,
Dist.- Gaya

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha
For the Opposite Party/s : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 366(A) of the Indian Penal Code and Section 8 of POCSO Act.

According to prosecution case, the informant Yamuna Prasad who has got a minor daughter namely Ms. A, aged about 17 years. She left her home on 14.4.2021 in the morning to attend call of nature but she did not return back after that informant searched for her and he came to know on 22.4.2021 that she has been kidnapped by accused petitioner for the purpose of marriage after alluring her.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact the victim was in love affair with the petitioner and the petitioner has not kidnapped the victim. He further submits that the victim in her statement recorded under Section 164 Cr.P.C. has categorically stated that she was having love affair with the petitioner and she went to the maternal grand mother out of her sweet will and volition. The petitioner is in custody since 24.04.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and fairly submits that the medical report suggest that there is no recent sign of sexual assault upon the victim.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with POCSO Case NO. 71 of 2021 arising out of Barachatti P.S. Case No. 257 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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