

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57859 of 2021

Arising Out of PS. Case No.-169 Year-2020 Thana- MAINATAND District- West Champaran

Shiv Kumar Pandit S/O Hardeo Pandit R/O Village-Sukhlahi, P.S-Mainatand,
District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishral, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-04-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the petitioner, above named, for grant of regular bail to the petitioner who has been made accused and put behind the bars in connection with Mainatand P. S. Case No. 169 of 2020 registered for the offences punishable under Sections 363 and 366(A) of the Indian Penal Code and Section 12 of the POCSO Act.

As per the prosecution case, the informant alleged that on 26.11.2020, all the accused persons including this petitioner kidnapped the daughter of the informant for the purposes of marriage. It is further alleged that the accused persons also threatened that if the matter would be disclosed,



she would be killed.

It is submitted by the learned counsel for the petitioner that the girl was recovered and her statement was recorded under Section 164 Cr. P. C., from which it clearly depicts that she has denied the allegation made by the informant and she categorically stated that she voluntarily went along with the petitioner, further her age has been assessed by the Court as 21 years. It is next submitted that the girl was also examined by the Medical Board where her age has been assessed in between 19 to 20 years. The copy of which has been brought as Annexure 3 to this application. It is further submitted that the petitioner has clean antecedent and he is in custody since 14.03.2021 and he undertakes to appear on each and every date.

On the other hand, learned APP for the State opposes the bail application of this petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the statement recorded by the victim under Section 164 Cr.P.C. as well as the age assessed by the Medical Board, let this petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Bettiah, West Champaran in connection with Mainatand P. S.
Case No. 169 of 2020, subject to the condition that one of the
bailors will be the close relative of the petitioner with further
conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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