

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57877 of 2021

Arising Out of PS. Case No.-16 Year-2021 Thana- CHANPATIA District- West Champaran

Vikki Kumar @ Vikki Yadav Son of Rameshwar Yadav Resident of Village -
Tularam Ghat, Police Station - Chanapatiya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva

For the Opposite Party/s : Mr. Uday Pratap Singh, A.P.P.

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 363, 366(A) of the Indian Penal Code and Section 8 of the POCSO Act.

According to prosecution case, on 03.01.2021 when the daughter of the informant (the victim) aged about 15 years went to the North of her house to attend the call of the nature then all the F.I.R. named accused persons abducted the daughter of the informant with the wrong intention of marriage.

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 out of her own sweet will has left her paternal house. He further submits that the statement of the victim which was recorded under Section 164 Cr.P.C. in which she has categorically stated that he was assaulted by her parents thereafter, thus, being annoyed with her parents she secretly left her house on her own course and went at house of her Maudi. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 30.07.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Chanpatia P.S. Case No. 16 of 2021, S.G.R. No. 05/2021, 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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