

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50003 of 2022

Arising Out of PS. Case No.-257 Year-2020 Thana- VAISHALI District- Vaishali

Vikash KUMAR S/o Shambhu Ram R/o village- Madhopur Chakfaridan,
P.S.- Vaishali, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Jitendra Kumar Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and Mr.
Jitendra Kumar Singh, learned APP who represents the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Vaishali P.S. Case No. 257 of 2020 for the offences under
Sections 366A, 376/34 of the Indian Penal Code and Sections
6, 8, 12 of POCSO Act.

As per the prosecution story, the informant, Afshana
Khatoon alleged that when she went outside to attend the call of
nature, one Afroj along with three unknown persons kidnapped
her and took her on the Tempo.

Subsequently, during the investigation, the name of
the petitioner-Vikash Kumar cropped up that he wanted to marry



the victim girl and accordingly, she was kidnapped.

A perusal of Annexure-3 which is the deposition of the girl before the Court shows that she stated that she went on her own and due to fear of her parents, the allegation was made. She has further stated that she had married the petitioner-Vikash Kumar and also that she is 19 years of age.

On cross-examination, she has narrated that she married Vikash Kumar on her own and was not pressurized for that.

Taking into account the aforesaid facts/deposition as also that the petitioner is in custody since 21.6.2022 (as stated in para-10 of the bail application), this Court is inclined to grant him privilege of bail with strict conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VI cum Special Judge POCSO, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 257 of 2020, subject to the 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/her bail bond 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 the 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 the bail bonds.

Nothing recorded in the bail application shall be taken up during the trial as the same has been considered only for the purpose of bail.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash/Ajay-

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