

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.54094 of 2022**

Arising Out of PS. Case No.-134 Year-2022 Thana- CHANDAUTI District- Gaya

Niraj Kumar S/o Ramji Singh @ Ramji Prasad @ Ramaji Singh R/o village-
Budhaul, P.S.- Amas, District- Gaya Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by the Stamp Reporter within two weeks.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with POCSO Case No. 61 of 2022 arising out of Chandauti P.S. Case No. 134 of 2022 registered for the offences punishable under Sections 363 and 366A of the Indian Penal Code and Section 8 of the POCSO Act. He is in custody since 26.04.2022. He has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, on 04.04.2022 Niraj Kumar (petitioner) had abducted the daughter of the informant, who is minor aged about 16 years, with an intention to marry her.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner is in custody since 26.04.2022 having no criminal antecedent.

Learned counsel submits that the age of the victim girl is said to be above 19 years and in her 164 Cr.P.C. statement, there is no allegation of any physical or sexual assault against the petitioner.

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

Having regard to the facts and circumstances of the case wherein the age of the victim girl is said to be above 19 years and as per the medical report, there is no sign and symptom of rape and the victim has come back and recorded her statement under Section 164 Cr.P.C. in which she has not made any allegation of any physical relationship with her, the FIR has been lodged with a delay of 12 days, the petitioner has remained in custody since 26.04.2022, investigation against him is complete and at this stage, there is no submission on behalf of the State that his release is likely to result in tampering with the evidence or interfering with the course of trial and further submission that the daughter of the informant is said to be the



nanad of the sister of the petitioner, in the circumstances, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Court-cum-Addl. District and Sessions Judge, VI, Gaya in connection with POCSO Case No. 61 of 2022 arising out of Chandauti P.S. Case No. 134 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

The application stands allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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