

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65962 of 2021

Arising Out of PS. Case No.-75 Year-2021 Thana- BAIRIYA District- West Champaran

Rahul Kumar Son of Rabindra Mahto Resident of Village- Tadhwanandpur
Math, P.S.- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bairiya P.S. Case No. 75 of 2021 lodged under Sections 363,
366(A) of the I.P.C. read with Section 12 of the POCSO Act.

As per the prosecution case, the allegation against 7
named accused persons is to kidnap for the purpose of marriage.

Learned counsel for the petitioner submits that the
allegation has made in the F.I.R. is absolutely false and not
correct. He submits that the alleged victim girl is recovered and
given her statement before the Magistrate under Section 164 of
Cr.P.C. The said statement has been called for. After going

through the said statement, it transpires that the victim girl has not accused anyone as alleged in the F.I.R. Instead of making allegation against the accused persons, she has alleged against the informant and her family. So far as her age is concerned, Annexure- 2 is there in the F.I.R. by virtue of which it transpires that doctor has opined her age is between 18 to 19 years. Learned counsel for the petitioner submits that petitioner is in custody since 01.09.2021 having clean antecedent and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail and submits that the alleged victim girl has not supported the F.I.R.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-7th -cum-Spcl Judge (POCSO), Bettiah District- West Champaran in connection with Bairiya P.S. Case No. 75 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall

appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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