

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66630 of 2021**

Arising Out of PS. Case No.-302 Year-2020 Thana- PIPRA District- East Champaran

RAM NATH KUMAR @ RAM NATH RAM @ RAM NATH KUMAR
RAM Son of Gonaur Ram Resident of Village- Tikuliya, P.S.- Pipra, District-
East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.

For the Opposite Party/s : Mr. Bharat Lal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 22-04-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in a case registered for the
offence under Sections 341, 323, 379, 366A, 34 of the Indian
Penal Code and Section 8 of the POCSO Act.

The daughter of the informant is said to have been
kidnapped for the purpose of marriage by the petitioner and
others.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the victim girl has been recovered and the victim in her
statement recorded under Section 164 Cr.P.C. has stated that she
was having love affair with one Shailesh Ram and she was willing



to live with him. He further submits that there is general and omnibus allegation against the petitioner and no specific case is made out against him. He further submits the victim girl has medically been examined and the doctor has assessed her age between 17.5 years to 18 years., therefore, no case attracting the provisions of POCSO Act is made out against the petitioner. He further submits that the similarly situated co-accused, namely, Sitaram Ram along with four others have already been granted bail by a co-ordinate Bench of this Court vide order dated 10.02.2022 passed in Cr. Misc. No. 43172 of 2021. The petitioner is rotting in judicial custody since 18.09.2021

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

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Pipra P.S. Case No. 302 of 2020 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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