

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70940 of 2021

Arising Out of PS. Case No.-11 Year-2021 Thana- MAHILA P.S BAGHA District- West
Champaran

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Nami Kumar @ Navami Kumar Son of Chhathu Chaudhary Resident of
Village - Malpurwa, Navakatola, Ward No.34, P.S.- Bagaha, Distt.- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.imlesh Kumar Pandey, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-05-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 366A/34 of the Indian Penal

Code and Section 8 of the POCSO Act.

As per prosecution case, it is alleged by the informant

namely Guddu Sah, that on 14.03.2021 at about 6:00 P.M. his

minor daughter namely Prity Kumari has been eloped with

accused Golu Kushwaha with the help of his associates Muni Devi

and Rubi Devi with intention to marry. The informant tried to

search his daughter but traceless as yet. It is further alleged that



accused Golu Kushwaha used to meet her daughter in Ratanmala Middle School where her daughter is a student of Class-VII.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that the allegation of kidnapping is against Golyu Kushwaha and his family members and the allegation against the petitioner is that he helped the Golu Kushwaha. He further submits that the statement of victim girl recorded under Section 164 Cr. P.C. in which she has not stated anything about the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 05.10.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 Bagaha Mahila P.S. Case No. 11 of 2021, 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 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 witness, 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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