

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1680 of 2022

Arising Out of PS. Case No.-122 Year-2021 Thana- GOPALPUR District- West Champaran

RAJESHWAR PADIT @ RAJESHWAR PANDIT S/o Gudri Pandit R/o
village- Jagarnathpur, P.S.- Gopalpur, District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-07-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Gopalpur
P.S. Case No. 122 of 2021 registered for the offence under
Section 363 and 366 (A) of the Indian Penal Code and sections
8 and 12 of the POCSO Act.

The petitioner is alleged to have involved in the
kidnapping of the minor daughter of the informant.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clear antecedent, is innocent and
has falsely been implicated in this case on the basis of suspicion.
He further submits that the petitioner has not been named in the
FIR but the name of the petitioner has transpired in this case
during the course of investigation on the basis of the statement



made by the witnesses. He further submits that the alleged occurrence is said to have taken place on 23.08.2021, whereas the FIR has been instituted on 01.09.2021 after lapse of eight days without any explanation, which itself creates doubt over the prosecution version. He further submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that she had performed marriage with one Pintu Kumar Pandit and she intends to reside with her husband. She in her statement has not whispered anything about the involvement of the petitioner in the alleged occurrence. The petitioner is rotting in judicial custody since 09.10.2021.

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 Gopalpur P.S. Case No. 122 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/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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