

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1406 of 2022**

Arising Out of PS. Case No.-830 Year-2020 Thana- SAHARSA SADAR District- Saharsa

DHEERAJ KUMAR @ BAUA Son of Jai Bahadur Thakur Resident of  
Village - Mohalla - Naya Bazar, Thakur Tola, Ward no.2, P.s.- Saharsa, Distt.-  
Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Kamal Kishore Singh

For the Opposite Party/s : Mr.Uday Chand Prasad

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

3      13-07-2022                      Let the defect(s), as pointed out by the office, be  
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with  
Saharsa Sadar P.S. Case No. 830 of 2020 arising out of Spl.  
(POCSO) Case No. 47 of 2020 registered for the offences  
punishable under Sections 366(A), 363, 379/34 of the Indian  
Penal Code read with Section 8 of the POCSO Act.

As per prosecution case, the petitioner namely  
Dhheraj Kumar alias Baua and others took away the daughter of  
the informant together and it is also alleged that petitioner and  
others took away Rs. 10,000/- by breaking box as well as



ornaments worth Rs. 50,000/-.

Learned counsel for the petitioner submits that petitioner is in custody since 26.07.2021. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the victim girl was medically examined by the doctor on 16.12.2020. The doctor found the age of victim girl about 15 to 17 years old and after examination of the victim girl the doctor found no sign of sexual assault. Victim girl denied the allegation kidnapping and she solemnized the marriage without any pressure with petitioner on her sweet will in a temple.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of petitioner and statement of victim girl as who has denied the allegation of kidnapping and also taking into consideration the material available on record, 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 Additional Sessions Judge- 1<sup>st</sup> -cum- Special Judge, POCSO Act, Saharsa in connection with Saharsa Sadar P.S. Case No. 830 of 2020 arising out of Spl. (POCSO) Case No. 47 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

**(Alok Kumar Pandey, J)**

amitkr/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

