

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3793 of 2023

Arising Out of PS. Case No.-27 Year-2022 Thana- DEOKUND District- Aurangabad

SUBHASH KUMAR SUMAN @ BOKAWA SON OF RAGHWENDRA
KUMAR @ RAGHUVENDRA KUMAR R/O VILLAGE- DEOKUND, P.S.-
DEOKUND, DISTRICT- AURANGABAD, BIHAR- 824120

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar

For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
24.08.2022, in connection with Deokund P.S. Case No. 27 of
2022, F.I.R. dated 19.08.2022, registered for the offences
punishable under Section 366(A) of the Indian Penal Code.

Prosecution story is that the daughter of the informant
aged about 16 years had gone to attend the tuition and did not
return. Thereafter the informant searched her daughter but
found no trace then he called to relatives on mobile and
inquired. Thereafter, in course of searching he came to know
from peoples that her daughter was taken away by the petitioner
by allurement.



Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the FIR is false and fabricated and petitioner has not committed any offence as alleged in the FIR. The petitioner and the victim performed married on 18.08.2022 in a temple of Aurangabad. He further submits that statement is recorded under Section 164 Cr.P.C. of the victim girl which suggest that the marriage was performed between victim with the petitioner and it also appeared from the medical report that the victim was major at the time of occurrence.

The learned Additional Public Prosecutor for the State has vehemently 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 Additional District and Sessions Judge-cm-Special Judge (POCSO), Aurangabad, in connection with Deokund P.S. Case No. 27 of 2022, subject to 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 antecedents, 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.

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(Rajesh Kumar Verma, J)

