

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3413 of 2023

Arising Out of PS. Case No.-539 Year-2022 Thana- MOTIHARI TOWN District- East
Champanan

Prakash Kumar Son Of Dinesh Sah Resident Of Village- Behind Cold Store,
Bye Pass Road, Professor Colony, P.S.- Chakia, District- East Champanan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
24.08.2022 in connection with Town P.S. Case No. 539 of 2022,
F.I.R. dated 02.08.2022 for the offences punishable under
Sections 366A, 448, 380, 504/34 of the Indian Penal Code and
Section 8 of POCSO Act.

According to prosecution case, all the accused persons
including the petitioner had entered into the house of the
informant and kidnapped her daughter and they also took away



cash, mobile, ornaments etc. from the Almirah.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. 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 her father has filed a false case against the petitioner and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the victim herself was going to Delhi. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 24.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned 6th Additional Sessions Judge cum Special Judge POCSO,



Motihari, East Champaran in connection with Town P.S. Case No. 539 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 witnesses, 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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