

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5397 of 2023**

Arising Out of PS. Case No.-428 Year-2022 Thana- MADHUBAN District- East Champaran

SUNIL RAM Son of Sukhari Ram Resident of Village - Dulma, P.S.-  
Madhuban, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sunil Kumar No.III, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      21-06-2023                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner seeks bail in connection with  
Madhuban P.S. Case No. 428 of 2022 registered for the  
offence under Sections 363 and 366(A) of the Indian Penal  
Code and Section 8 of the POCSO Act.

The minor daughter of the informant is alleged to  
have been kidnapped by the petitioner.

Learned counsel appearing for the petitioner  
submits that the petitioner, who is of clean antecedent, is  
innocent and has falsely been implicated in this case due to  
admitted land dispute. He further submits that the  
allegation, as alleged in the F.I.R., is false and fabricated and



the petitioner has not committed any offence. He further submits that the victim has been recovered and her statement was recorded under Section 164 Cr.P.C. in which she has not supported the allegation levelled against the petitioner. Hence, no case of abduction is made out against the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 06.10.2022.

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 Additional District and Sessions Judge-VIII -cum- Special Judge, POCSO Act, Motihari, East Champaran in connection with Madhuban P.S. Case No. 428 of 2022 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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