

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8937 of 2023

Arising Out of PS. Case No.-284 Year-2021 Thana- JAKKANPUR District- Patna

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KRISHNA GUPTA @ KRISHNA RAJ S/O SRI BIHARI SAW Resident of
village- In the gali of St. Jorge School, Purandarpur, P.S.- Jakkanpur, District-
Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Special
Case No. 141 of 2022 arising out of Jakkanpur P.S. Case No. 284 of
2021/ G.R. No. 4155 of 2021 registered for the offence under
Sections 363 and 366A of the Indian Penal Code and Section 12
and 16 of the POCSO Act.

The case relates to commission of abduction of minor
daughter of the informant at the instance of the petitioner. It is
also alleged that the minor daughter of the informant is subjected
to physical assault 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. He further submits that



the allegation, as alleged in the F.I.R., is false and fabricated as the petitioner has not committed any offence. He further submits that according to the F.I.R., the petitioner has kidnapped the daughter of the informant on 20.05.2021 but the F.I.R. has been instituted on 26.06.2021 after delay of one and half months without giving any explanation of delay. He further submits that the victim girl has been recovered and her statement under Section 164 Cr.PC. has been recorded in which she has not supported the prosecution version and she has not stated anything about the petitioner. Hence, no case under Section 363 and 366A of the Indian Penal Code is made out against the petitioner. The petitioner is rotting in judicial custody since 26.07.2022.

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 Sessions Judge-VI -cum- Special Judge, POCSO, Patna in connection with Special Case No. 141 of 2022 arising out of Jakkanpur P.S. Case No. 284 of 2021/ G.R. No. 4155 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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