

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6911 of 2023

Arising Out of PS. Case No.-492 Year-2022 Thana- HARSIDHI District- East Champaran

CHHOTAN THAKUR Son of Janakdhari Thakur R/V- Hirapur, P.S- Kotwa,
Dist- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Nand Kumar

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 07.10.2022, in connection with Harsidhi P.S. Case No. 492 of 2022, F.I.R. dated 06.10.2022, registered for the offences punishable under Sections 366(A), 504, 506 of the Indian Penal Code and Section 8 and 10 of POCSO Act.

Prosecution story as per the F.I.R. is that the daughter of informant and his family members went to see Durga Pouja and after seeing Puja, they came back to house but the informant did not found her daughter aged about 16 years. Thereafter, the informant came to know that Chhotan Thakur took away his daughter on motorcycle with intention to marry. Then the informant chased him and caught the petitioner. It is further



alleged that the petitioner came to his door and abused him and threatened him under dire consequences.

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 F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and the statement of the victim was recorded under Section 164 Cr.P.C. and in view of the statement of victim girl, no case is made out under Section 366 (1) of the I.P.C. and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 07.10.2022.

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 **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act. East Champaran at Motihari, in connection with Harsidhi P.S. Case No. 492 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.

(Rajesh Kumar Verma, J)

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