

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12939 of 2023

Arising Out of PS. Case No.-66 Year-2022 Thana- BHITAHA District- West Champaran

Dhurendra Kumar Son of Sudama Kuer Resident of Village- Jignahi, P.S.-
Bhitaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Kumar Dwivedy, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
05.09.2022, in connection with Bhitaha P.S. Case No. 66 of
2022, F.I.R. dated 01.04.2022 registered for the offences
punishable under Sections 363, 366A, 34 of the Indian Penal
Code and later on Section 8 of the POCSO Act.

The prosecution case, in brief, is that on 28.03.2022
the petitioner along with other co-accused persons abducted the
daughter of the informant aged about 15 years for the purpose of
marriage

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case only on the basis of suspicion. He



further submits that it appears from the reinstatement of the informant as well as father and brother of the victim that they have only raised suspicion against the petitioner and in the entire investigation, no other material has come against the petitioner to suggest the involvement of the petitioner in the present occurrence and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 05.09.2022.

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 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 & Sessions Judge-VII cum Special Judge (POCSO), West Champaran, Bettiah in connection with Bhitaha P.S. Case No. 66 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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