

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15686 of 2023

Arising Out of PS. Case No.-175 Year-2022 Thana- MAHISHI District- Saharsa

CHANDAN JHA @ CHANDAN KUMAR JHA Son of Late Manikant Jha
R/V- Pokharbhinda, Ward no. 14, P.S-Mahishi, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
12.10.2022 in connection with POCSO Case No.66/2022,
arising out of Mahishi P.S. Case No.175/2022, dated 14.07.2022
for the offences punishable under Sections 366(A) and 34 of the
IPC & Sections 8, 12 of POCSO Act.

According to prosecution case, the petitioner along
with other co-accused persons are alleged to have kidnapped the
minor sister of the informant for the purpose of marriage.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
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. He further submits that in fact the petitioner was in love with the victim and they have performed their marriage. He further submits that the statement of the victim was recorded under Section 164 Cr.P.C., in which, she has categorically stated that she has performed her marriage with the petitioner on 10.07.2022. He further submits that the victim has denied for her medical examination and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 12.10.2022.

Learned Additional Public Prosecutor for the State on the other hand 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 Additional Sessions Judge-VI-cum-Exclusive Special Judge (POCSO), Saharsa in connection with POCSO Case No.66/2022, arising out of Mahishi P.S. Case No.175/2022, subject to the following conditions:-

1. One of the bailors must be the victim, namely, Neha Jha, D/o Sujeet Kumar Jha, Mauza-Pokharbhinda, P.S.



Mahishi, District-Saharsa.

2. 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.

3. 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.

4. 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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