

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16493 of 2023

Arising Out of PS. Case No.-175 Year-2022 Thana- SAKRA District- Muzaffarpur

SONU KUMAR S/o- Chhathu Sah R/O- Village- Kinaru Phulwaria Ps-
Maniyari District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
04.01.2023 in connection with Sakra P.S. Case No. 175 of 2022,
F.I.R. dated 07.04.2022 for the offences punishable under
Sections 363, 365, 366A/34 of the Indian Penal Code and later
on Section 376 I.P.C. and Section 4/6 of POCSO Act was added.

3. According to prosecution case, in brief is that the
informant Sumitra Devi submitted a written report in which she
alleged that her daughter Priyanka Kumari aged about 16 years
on 04.04.2022 has been kidnapped by the son-in-law namely,
Sonu Kumar (petitioner) of her villager of informant namely
Chandeshwar Sao for the purpose of selling her for doing bad
work with the help of his friend Raju Kumar Rai. When the



informant went to ask about her daughter to Mahendra Ray father of Raju Kumar Rai then he was ready to assault the informant. Informant suspected that accused Sonu Kumar, Raju Kumar Ray and Mahendra Ray, Chattu Sao all together have killed her daughter the disappeared the dead body of her daughter.

4. Learned counsel for the petitioner submits that 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 petitioner has not committed any offence as alleged in the F.I.R. He further submits that victim was recovered and her statement was recorded under Section 164 of Cr.P.C.. Thereafter, the victim had eloped with the co-accused namely, Raju Kumar Rai, for which Mahua P.S. Case No.613 of 2022 has been instituted. He further submits that from bare perusal of statement of the victim recorded under Section 164 of Cr.P.C., it appears that the petitioner has not committed anything wrong with her. He further submits that the police after investigation submitted the charge sheet against the petitioner, who is in judicial custody since 04.01.2023.

5. The learned Additional Public Prosecutor for the



State has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he tried to influence the victim to perform the marriage with the co-accused person.

6. 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-Special Court, POCSO Act, Muzaffarpur in connection with Sakra P.S. Case No. 175 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 witnesses, 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 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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