

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16607 of 2023

Arising Out of PS. Case No.-333 Year-2022 Thana- SIMRI District- Buxar

LAV KUSH TURHA SON OF SHIV KUMAR TURHA @ SHIV TURHA
RESIDNET OF VILLAGE- DUDHIPATI, PS- SIMRI, DISTRICT- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Adv.
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 08-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 18.01.2023 seeks
bail, in connection with Simari P.S. Case No.333/2022, dated
22.08.2022, for the offences punishable under Sections 363,
366/34 of the IPC & Section 4 of POCSO Act.

3. According to prosecution case, the petitioner is said
to have helped the co-accused, namely, Rahul Gond in
kidnapping the minor daughter of the informant.

4. 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 the victim girl was recovered and her statement under Section 164 Cr.P.C. was recorded in which she has categorically stated that she has performed marriage with Rahul Gond. He further submits that it has come during investigation that the victim was minor at the time of occurrence and in her statement under Section 164 Cr.P.C., she has not stated anything about the petitioner. He further submits that co-accused, namely, Manjit Gond has been granted bail by a co-ordinate Bench of this Court vide order dated 22.06.2023 passed in Cr. Misc. No.14006/2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 18.01.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

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-6th-cum-Special Judge POCSO Act, Buxar in connection with Simari P.S. Case No.333/2022, 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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