

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17727 of 2023

Arising Out of PS. Case No.-305 Year-2022 Thana- KUDRA District- Kaimur (Bhabua)

Pramod Pal S/O Thaga Pal Resident of village- Sarmanpur, P.S.- Kudra,
District- Kaimur ar Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shankar Kumar, Advocate
For the informant	:	Mr. Ashutosh Tripathi, Advocate
For the Opposite Party/s	:	Mr. Sangeeta Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
01.01.2023 in connection with Kudra P.S. Case No. 305 of
2022, F.I.R. dated 04.11.2022 for the offences punishable under
Sections 363, 366(A) of the Indian Penal Code.

3. According to prosecution case, in brief is that on the
alleged date and time, the informant's daughter Archana Kumari
aged about 17 years had gone to her uncle's (Phupha) house in
village Babhanganwa. It is alleged that the petitioner resident of
his village came there and enticed his daughter and took away
with the intention of marriage. After that when the informant



came to his village and told the petitioner's father then he said that give us two to four days time, he will call the petitioner even after that his daughter was not found anywhere.

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 bare perusal of F.I.R. it appears that the date of occurrence is 26.10.2022 but the present F.I.R. has been instituted on 04.11.2022 after delay of nine days without any explanation of delay. He further submits that in the victim was in love with the petitioner and the victim girl was recovered and her statement was recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has not abducted her, she went with the petitioner out of her sweet will and volition. She further stated that petitioner has not committed anything wrong with her and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 01.01.2023.

5. The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and submits that the victim was minor at the time of occurrence and police after



investigation submitted the charge sheet under the POCSO Act also.

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 Sri Manish Mishra, Judicial Magistrate, 1st Class, Mohania, Kaimur in connection with Kudra P.S. Case No. 305 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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