

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21549 of 2023

Arising Out of PS. Case No.-248 Year-2021 Thana- BIHRA District- Saharsa

SANISH KUMAR Son of Vimal Sah Resident of village - Dorma Tola
Teliyari, Ward No.- 06, P.S.- Bihra, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate
	:	Mr. Binod Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Parmanand Prasad, APP
For the Informant	:	Mr. Javed Aslam, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
22.04.2022 in connection with Spl. Case No. 22 of 2022 arising
out of Bihra P.S. Case No. 248 of 2021, F.I.R. dated 17.11.2021
registered for the offence punishable under Sections
323, 363, 366(A), 34, 504, 506 of IPC and Sections 8, 10, 12 of the
POCSO Act.

3. The minor daughter of the informant is alleged to
have been kidnapped by the petitioner and others.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. The allegation as



alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that the victim was recovered and her statement under Sections 161 and 164 Cr.P.C. was recorded. In her statement under Section 161 Cr.P.C. she has categorically stated that the victim has herself escaped from her house and in her statement under Section 164 Cr.P.C. she has not named the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 22.04.2022.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner and in her 161 Cr.P.C. statement, the victim has categorically stated that she has gone with the petitioner, namely, Sanish Kumar.

6. Considering the aforesaid facts and period of custody, 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 learned A.S.J.-VI-cum-Spl. Judge (POCSO), Saharsa in connection with Spl.Case No.22 of 2022 arising out of Bihra P.S. Case No. 248 of 2021, with the following conditions:-



(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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