

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21343 of 2023

Arising Out of PS. Case No.-139 Year-2022 Thana- SITAMARHI District- Sitamarhi

SHRAWAN KUMAR @ CHANDAN KUMAR Son of Fekan Das Resident
of village-Bhupbhairo, Ward No. 9, P.S.-Sitamarhi, District-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh
		Ms. Divya Bharti, Advocates
For the Opposite Party/s	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 07.03.2022, in connection with Sitamarhi P.S. Case No. 139 of 2022, F.I.R. dated 26.02.2022 registered for the offences punishable under Sections 363, 366(A), 379/34 of the Indian Penal Code and Section 8 of the POCSO Act.

The prosecution case, in brief, is that on 25.02.2022 at 3:05 P.M. accused persons including the petitioner are alleged to have kidnapped the informant's minor daughter while she was returning back to her home from her coaching class.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. She further submits that the



allegation in the F.I.R. is false and fabricated and in fact the petitioner was in love with the victim and as per statement of the victim recorded under Section 164 of the Cr. P.C. in which she has stated that she has performed the marriage with the petitioner and as per medical report of the Medical Board, the age of the victim has been assessed between 18 to 20 years. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 07.03.2022.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge (POCSO Act), Sitamarhi, in connection with Sitamarhi P.S. Case No. 139 of 2022, with the following conditions :-

(1) One of the bailors should be the victim namely Usha Kumari.

(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 witness, 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 antecedents, 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)

Ibrar//-

U		T	
---	--	---	--

