

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25630 of 2023

Arising Out of PS. Case No.-1055 Year-2022 Thana- MUFFASIL District- West Champaran

RAJ KUMAR PATEL Son of Sharma Prasad Patel R/O Village - San Saraiya,
Kadmawa Tola, P.S.- Bettiah (Muffasil), District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 21.12.2022 in connection with Bettiah (Muffasil) P.S. Case No. 1055 of 2022, F.I.R. dated 13.12.2022 for the offences punishable under Sections 366A, 376 of the Indian Penal Code and Section 4 of POCSO Act.

3. According to prosecution case, in brief is that on 10.12.2022 at about 9:00 A.M. the daughter of the informant/victim aged about 17 years went to her coaching but did not return by evening. Then the informant went to her coaching after getting tensed and then he came to learn there that someone has taken her away at about 11:00 A.M. by persuading her. Her cycle was there at the coaching centre. The



informant searched her a lot then he came to learn that the accused persons named in the F.I.R. including the petitioner have collectively intrigued the case and abducted the minor victim girl. It has further been alleged that the victim girl has one mobile phone which continuously switched off from the day of occurrence. When the informant went at the house of accused-petitioner Rajkumar Patel to inquire about the victim girl then he got miffed over the same and started abusing him and on protest he started assaulting him.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present. 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 the date of occurrence as alleged in the F.I.R. is 10.12.2022 and the present F.I.R. was instituted on 13.12.2022 after delay of three days without any explanation of delay. He further submits that the victim girl was recovered and her statement was recorded under Section 164 of Cr.P.C. in which she has not supported the case of the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial



custody since 21.12.2022.

5. The learned Additional Public Prosecutor for the State 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 Special Judge, POCSO-cum-ADJ-VI, Bettiah, West Champaran in connection with Bettiah (Muffasil) P.S. Case No. 1055 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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