

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 29456 of 2023

Arising Out of PS. Case No.-17 Year-2019 Thana- CHAND District- Kaimur (Bhabua)

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Rahul Jaiswal @ Rahul Sah Son of Munna Jaiswal @ Munna Sah Resident of
village-Sihoriya, Police Station-Chand, District-Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Garg, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 08-06-2023 Let the defect(s), if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
POCSO Case No. 08 of 2023 arising out of Chand P.S. Case No.
17 of 2019 dated 11.02.2019, lodged under Sections 363,
366(A)/ 376 of the I.P.C. read with Section 6 of the POCSO Act,
though cognizance has been taken under Section 363, 366,(A),
376, 494 of the I.P.C.

4. As per the prosecution case, the allegation of
kidnapping of the informant's daughter is there against the
petitioner.

5. Learned counsel for the petitioner submits that the

petitioner is innocent and has committed no offence. He further submits that the daughter of the informant was major and the petitioner and the alleged victim were fell in love and they with the consent of each other, have left the house and entered into marriage and presently, they have blessed by two kids.

6. Counsel for the petitioner further submits that Annexure-2 is the statement under Section 164 of the Cr.P.C. by the alleged victim, in which she has not alleged any crime against the petitioner, rather she herself admits that with her consent, she entered into marriage with the petitioner.

7. Counsel further submits that the petitioner is in custody since 09.02.2023 and there is one case pending against him which is of excise matter in which he is on bail.

8. Learned counsel for the State opposes the prayer for bail.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO-cum-Additional District & Sessions Judge-VIth, Kaimur in connection with POSCO Case No. 08 of 2023 arising out of Chand P.S.

Case No. 17 of 2019, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

10. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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