

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29188 of 2023

Arising Out of PS. Case No.-342 Year-2020 Thana- CHAKIA District- East Champaran

PRITAM SINGH @ SANNI KUMAR @ PRITAM KUMAR son of Narayan
Singh @ Ram Narayan Singh R/o Village- Chintamanpur P.S- Pipra Dist-
East Champaran Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
16.03.2023 in connection with Chakiya P.S. Case No. 342 of
2020, F.I.R. dated 11.10.2020 registered for the offence
punishable under Sections 363,366A,34 of IPC and Section 8
of the POCSO Act.

3. The prosecution case, in short, is that on
08.10.2020, accused persons including the petitioner are alleged
to have kidnapped the minor daughter (the victim) of the
informant aged about 15 years for the purpose of marriage.

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. In fact the petitioner was in love with the victim and the petitioner has performed the marriage with victim on 08.10.2020. Learned counsel for the petitioner submits that as per medical report, the victim is major and she is residing with the petitioner in her matrimonial house and the petitioner is in custody since 16.03.2023.

5. Learned A.P.P. for the State, on the other hand, has opposed the prayer for bail of the petitioner and submits that it has come during investigation that the victim is minor and her date of birth recorded in the certificate is 23.12.2007.

6. Considering the aforesaid facts, 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 Addl. Sessions Judge-7th-cum-Special Judge, POCSO, East Champaran, Motihari in connection with Chakiya P.S. Case No. 342 of 2020, with the following conditions:-

(I) One of the bailors should be the victim, namely, Nitu Kumari.



(II)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.

(III) 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.

(IV) 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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