

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29350 of 2023

Arising Out of PS. Case No.-192 Year-2021 Thana- PAKRIDAYAL District- East Champaran

JITENDRA RAI @ BIJLI RAI S/O JIYALAL RAI R/O Village- Chorma, P.S-
Pakaridayal, Distt.- E. Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 29.03.2023 in connection with Pakaridayal P.S. Case No. 192 of 2021, F.I.R. dated 05.09.2021 for the offences punishable under Sections 363, 366(A), 120(B), 379/34 of the Indian Penal Code and Section 4/8 of POCSO Act.

3. According to prosecution case, the informant has given application to S.H.O. Pakaridayal and stating therein that when they were sleeping in night in house and her daughter aged about 17 years namely, Anchal Kumari had slept in another room. It is further stated that when she has awoken up at 02:00 A.M. then I found lock of Pati was broken and her daughter was missing with cash Rs.40,000/- and golden ornaments. It is



further stated that meantime we have got information this petitioner has kidnapped her daughter for marriage. It is further stated that all named accused persons have kidnapped her daughter and given threat to dire consequence to inform the police.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. 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. in fact the petitioner was in love with the victim girl and they have performed the marriage. 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 categorically stated that she has performed the marriage with the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 29.03.2023.

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 A.D.J. 7th -cum-Special Judge, (POCSO) Motihari, East Champaran in connection with Pakaridayal P.S. Case No. 192 of 2021, subject to the following conditions:-

1. One of the bailor should be victim/wife of the petitioner namely, Anchal 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 witnesses, 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 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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