

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29783 of 2023

Arising Out of PS. Case No.-777 Year-2022 Thana- PURNEA SADAR District- Purnia

Sittu Kumar Jha @ Shitu Kumar Jha Son Of Sri Makhan Jha R/O Village
Bath, (SIKARIA Bat), P.S.- Madhepur, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prafull Chandra Jha, Advocate

For the Opposite Party/s : Mr.Rajeev Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2023 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
13.10.2022 in connection with Special (POCSO) Case No.14 of
2023 arising out of Sadar P.S. Case No. 777 of 2022, F.I.R.
dated 09.10.2022 registered for the offence punishable under
Sections 363,365,366(a),367 and 34 of IPC but the police after
investigation submitted the chargesheet under Sections
363,365,366(a),367,34 of IPC, Section 8 of the POCSO Act and
Section 9 of the Prohibition of Child Marriage Act.

3. The minor daughter of the informant is alleged to
have been kidnapped by the petitioner and others.



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 they have performed the marriage. Further submits that the statement of the victim under Section 164 of Cr.P.C. was recorded in which she has supported the contention of the petitioner and she also stated that she has performed the marriage with the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 13.10.2022.

5. Learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner.

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 Additional Sessions Judge-VI-cum-Special Judge (POCSO), Purnea in connection with Special (POCSO) Case No.14 of 2023 arising out of Sadar P.S. Case No. 777 of 2022, with the following conditions:-

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



Suhani Jaiswal.

(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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