

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29717 of 2023

Arising Out of PS. Case No.-73 Year-2022 Thana- MATIHANI District- Begusarai

BITTU KUMAR @ BITTU PASWAN Murari Paswan RESIDENT OF
VILLAGE LABHAGAON P.S. GANGAUR DISTRICT KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 19-08-2023 Heard the parties.

The petitioner is an accused in connection with Matihani P.S. Case No. 73 of 2022 registered for the offences under sections 366A and 34 of the Indian Penal Code and section 9 of the Children Marriage Restrain Act and section 4/6 of the POCSO Act lodged on 08.06.2022 by the informant, Parmanand Das.

As per the prosecution story, the informant alleged that his daughter became traceless and upon search, he came to know that the accused persons including this petitioner had taken her away. Accordingly, the FIR.

Earlier, in this case, a co-ordinate bench had called for case diary, which has since been received.

As per the case diary, the girl after recovery made



statement stating that she on her own, went with the petitioner to Delhi, firstly, married in a temple and later in the Court and thereafter was staying with him as husband-wife. She has further narrated that she was at her maternal grand-mother's home from where the police has taken her into custody.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Taking into account the facts that are on record and the petitioner is in custody since 12.11.2022 (as stated in paragraph 10 of the bail application) as also that he do not have criminal antecedent, this Court is inclined to inclined him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Exclusive Special Judge POCSO Act, Begusarai in connection with Matihani P.S. Case No. 73 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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