

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30273 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- LAURIA District- West Champaran

RAHUL KUMAR SON OF LATE SHAMBHU DAS RESIDENT OF
VILLAGE-BELWA KOIRI TOLA, PS-LAURIYA, DIST-WEST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-08-2023 Heard the parties.

The petitioner is in custody in connection with Lauriya P.S. Case No. 38 of 2023 for the offence under sections 366(A)/323/504/34 of the Indian Penal Code read with section 8 POCSO Act lodged on 10.02.2023 by the informant, Jai Prakash Thakur.

As per the prosecution story, the minor daughter of the informant went to coaching but failed to return and the informant alleged the role of the petitioner in the said missing/kidnapping of the victim girl. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that subsequently, the victim girl returned and in her 161 Cr.P.C. statement, she claimed to have left home on her own and later



got married with the petitioner. It has come in the case diary which was called by a co-ordinate Bench on 12.06.2023.

He further submits that the petitioner do not have criminal antecedent, is in custody since 14.03.2023 (as stated in paragraph 14 of the petition).

Learned APP opposes the prayer for bail but having gone through the case diary concedes that the victim girl has made the aforesaid statement.

Considering the aforesaid facts on record, the petitioner do not have criminal antecedent, is a young boy of nineteen years, is in custody since 14.03.2023, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-VIIth cum Special Judge (POCSO), West Champaran, Bettiah, in connection with Lauriya P.S. Case No. 38 of 2023 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/her 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 the 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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