

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30574 of 2023

Arising Out of PS. Case No.-299 Year-2021 Thana- SAUR BAZAR District- Saharsa

GUDDU KUMAR son of Sikendra Yadav Village- Pras Parsaha Ps- Sour
Bazar Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 21-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Sour Bazar P.S. Case No.299 of 2021 instituted under Section 363, 366(A)/120(B) of IPC and Section 8 of POCSO Act, 2012 lodged on 21.06.2021 by the informant Nawal Kumar.

As per the prosecution story, the victim girl went missing and allegation is that the petitioner was behind the said kidnapping. Accordingly, the FIR.

As the story unfolds, the victim girl was found five months pregnant having married the petitioner whereafter she was sent to the Remand Home, Purnea.

Learned counsel for the petitioner submits that from the facts on record, it is clear that both have solemnized marriage, the girl at the time of the filing of the petition was five



months pregnant, is in remand home whereas the petitioner is in custody since 06.12.2022 (as stated in para-14 of the petition). He has made a categorical statement that the girl under Section 164 Cr.P.C. has stated that she left the place on her own, married the petitioner and wants to stay with him.

Learned APP opposes the prayer for bail.

In view of the categorical statement made by learned counsel for the petitioner about the statement of the victim girl under Section 164 of the Cr.P.C., the facts on record, he is in custody since 06.012.2022, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Sour Bazar P.S. Case No.299 of 2021 to the satisfaction of learned ADJ, VI cum Special Judge (POCSO), Saharsa, subject to 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 appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) 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;

(v) 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.

(Rajiv Roy, J)

Prakash Narayan

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