

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32655 of 2023

Arising Out of PS. Case No.-656 Year-2022 Thana- GRIYAK District- Nalanda

Tantan Kumar S/O- Sujan Manjhi Village- Katridih Ps- Katrisarai Dist-
Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Senior Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-08-2023 Heard Mr. Y.C. Verma, learned senior counsel for
the petitioner and learned Additional Public Prosecutor for the
State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
10.02.2023 in connection with POCSO Case No. 10 of 2023
arising out of Giriyak (Katrisarai) P.S. Case No. 656 of 2022,
F.I.R. dated 27.12.2022 for the offences punishable under
Sections 365, 366A/34 of the Indian Penal Code and Section
4/6 of POCSO Act.

4. According to prosecution case, this petitioner along
with other accused persons have abducted the daughter of the
informant and also threatened the informant of dire



consequences if he discloses the matter to the police.

5. 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 the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the co-accused person, namely, Mithun Kumar has committed rape upon her and she has stated nothing about the petitioner that he has committed any wrong with her and she further stated that this petitioner was accompanying the other accused persons. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 10.02.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. 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 Additional



Sessions Judge VIII cum Special Judge, POCSO, Nawada in connection with Giriyak (Katrisarai) P.S. Case No. 656 of 2022, subject to the following conditions:-

1. 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.

2. 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.

3. 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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