

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35703 of 2023

Arising Out of PS. Case No.-44 Year-2023 Thana- BELA District- Sitamarhi

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SACHIN KUMAR Son of Devendra Yadav @ Devendra Rai R/o Village -
Demahi, Ward No.- 2, P.S.- Bela, District – Sitamarhi. Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-08-2023 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
31.03.2023 in connection with Bela P.S. Case No. 44 of
2023, F.I.R. dated 16.02.2023 registered for the offence
punishable under Sections 363,365,376(D) of the Indian
Penal Code and Section 4 of the POCSO Act.

3. The prosecution case, in short, is that on
15.02.2023 informant's minor daughter was kidnapped away
forcibly by petitioner alongwith another accused Shashi
Kumar and also committed raped upon her.

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. Further submits that the statement of the victim under Sections 161 and 164 Cr.P.C. was recorded in which she has not supported the case of the prosecution, she has categorically stated that no one has abducted her and she has gone outside the house to her own sweetwill and she has not stated anything about the petitioner and the co-accused person, namely, Shashi Kumar @ Shashi Bhushan Kumar, against whom the similar allegation, has been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 21.07.2023 passed in Cr. Misc. No. 35934 of 2023 and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 31.03.2023.

5. Learned A.P.P. for the State, on the other hand, has 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 A.D.J.-VI-cum-Special Judge, POCSO Act, Sitamarhi in connection with Bela P.S. Case No. 44 of 2023, with the following conditions:-



(I) 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.

(II) 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.

(III) 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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