

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34125 of 2023**

Arising Out of PS. Case No.-408 Year-2022 Thana- SIRDALA District- Nawada

NITISH KUMAR Son of Ramu Chaudhary Resident of Village- Gondpur,  
Police Station- Sirdala, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Birendra Kumar, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      24-06-2023      Heard the parties.

The petitioner is in custody in connection with Sirdala P.S. Case No. 408 of 2022 for the offence under Sections 366(A) of the Indian Penal Code and Section 8 of POCSO Act lodged on 15.07.2022 by the informant, Reena Devi.

The prosecution case, in brief, is that on 11.7.2022, informant and her daughter aged about 17 years were at their home. At the same time, Nitish Kumar (petitioner) and Diwakar Kumar came to her house on a motorcycle and on the point of pistol kidnapped her daughter. Informant raised ‘hulla’ and neighbour tried to caught him but could not be apprehended. It is further alleged that accused persons threatened him of dire consequence if FIR lodged.



Learned counsel for the petitioner submits that both the petitioner and the victim girl was in relationship which was opposed by the parents and as such they eloped. Subsequently, the F.I.R. was lodged and the girl returned on her own and presented herself in the police station whereafter her refusal to go to her parent's home, she was sent to the child welfare home. It is his further submission that the victim girl refused to undergo medical examination.

Learned APP opposes the prayer for bail.

Considering the aforesaid facts that has been submitted by the learned counsel for the petitioner that the girl presented herself before the police and thereafter was under judicial protection and did not went to her parent's home, the petitioner is in custody since 19.01.2023 and do not have any criminal antecedent, 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) with two sureties of like amount each to the satisfaction of learned Additional District and Session Judge (POCSO), Nawada, in connection with Sirdala P.S. Case No. 408 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/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 application is allowed.

**(Rajiv Roy, J)**

Jagdish/kiran/-

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