

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34037 of 2022

Arising Out of PS. Case No.-608 Year-2021 Thana- MUFFASIL District- West Champaran

VISHAL KUMAR S/o Babulal Mahto Resident of Village- Bakhari Bazar,
P.S.- Gobardhana, District- West Champaran at Bettiah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh

For the Opposite Party/s : Mr.Md. Fahimuddin

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 18-04-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard learned counsel for the petitioner as well as
learned APP for the State.

In this case, the petitioner is seeking regular bail in
connection with Bettiah Muffasil (Banuchhapar) P.S. Case No.
608 of 2021, registered for the offences punishable under
Section 366A of the Indian Penal Code and Sections 8, 12 of the
POCSO Act, 2012.

As per allegation, the petitioner and his family
members kidnapped the minor daughter of the informant.

The learned counsel for the petitioner has submitted



that the petitioner is innocent. There was love and affection between the daughter of the informant and the petitioner. She, with her own sweet went with the petitioner and solemnized marriage with him. The statement of the alleged victim under Section 164 of the Cr.P.C. was recorded in presence of her mother, in which she has stated that she, with her own sweet will, went with the petitioner and solemnized marriage with him in a temple. The age of the victim as mentioned in her statement is 18 years. The petitioner is under custody since 09.01.2022.

On the other hand, the learned APP and the learned counsel for the informant have opposed the prayer for bail and submitted that the victim is a minor girl of 17 years of age.

Considering the above-mentioned facts and circumstances as well as clean antecedent of the petitioner and the period of custody, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Additional District Judge- VI-cum-Special Judge, POCSO Act, West Champaran at Bettiah in connection with Bettiah Muffasil (Banuchhapar) P.S. Case No. 608 of 2021, subject to the following conditions:-

- (i) The petitioner shall cooperate in the



disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

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