

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36482 of 2022

Arising Out of PS. Case No.-22 Year-2022 Thana- KHUDWA District- Aurangabad

VIKASH KUMAR @ VIKASH SON OF KAPIL SAO RESIDENT OF
VILLAGE- NEBHI, P.S.- PRATAPPUR, DISTRICT- CHATRA
(JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 18-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner, learned
counsel for the Informant and learned A.P.P. for the State.

The petitioner seeks bail in connection with
Khudwan P.S. Case No. 22 of 2022 registered for the offences
punishable under Sections 363, 366(a) of the Indian Penal Code
and Section 4 of the POCSO Act.

As per prosecution case, it is alleged that minor
daughter of informant who is aged about 17 years 6 months was
found traceless. It is alleged that when informant made a call on
mobile no. 7761933840 then it was admitted by the petitioner
that the victim was with him.



Learned counsel for the petitioner submits that petitioner is in custody since 31.05.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that informant's daughter was found missing on 20.05.2022 but F.I.R. has been lodged on 22.05.2022 after delay of two days without giving proper explanation. He further submits that no act of inducement was committed by the petitioner rather victim has left the parental house voluntarily. Learned counsel for the petitioner further submits that as per the prosecution case the age of victim girl is about 17 years 6 months but according to medical report she is major. It has been submitted that statement of victim under Section 164 of Cr.P.C. has clearly stated that she left her parental house voluntarily and she herself joined the company of the petitioner and there is no act of inducement on the part of petitioner.

The learned counsel for the Informant as well as learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of



petitioner, statement of victim recorded under Section 164 of Cr.P.C. has clearly stated that she left her parental house voluntarily and she herself joined the company of the petitioner and there is no act of inducement on the part of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Dist. & Sessions Judge VI – cum - Special Exclusive Judge (POCSO), Aurangabad in connection with Khudwan P.S. Case No. 22 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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