

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38352 of 2023**

Arising Out of PS. Case No.-207 Year-2022 Thana- SANOKHAR District- Bhagalpur

BITTU KR. TANTI @ BITTU KUMAR Son of Kailash Tanti @ Kailash
Mandal Resident of village - Laluchak, P.S. - Ishakchak, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 01-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
18.10.2022 in connection with Sanokhar P.S. Case
No.207/2022, dated 14.10.2022, for the offences punishable
under Sections 366(a), 504, 506 and 34 of the IPC but charge
sheet has been submitted under Sections 366(A), 376 of the IPC
& Section 4 of the POCSO Act.

3. According to prosecution case, the petitioner is
alleged to have abducted the minor daughter of the informant
with intention to marry with her.

4. Learned counsel for the petitioner submits that the
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 offence as alleged in the FIR. He further submits that in fact the petitioner was in love with the victim and the victim was recovered and her statement under Section 164 Cr.P.C. was recorded in which she has categorically stated that she has performed marriage with the petitioner. She has not stated anything about the sexual assault by the petitioner in her 164 Cr.P.C. statement. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 18.10.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, after framing of charge, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (POCSO)-cum-7th Additional District and Sessions Judge, Bhagalpur in connection with POCSO Case No.208/2022, arising out of Sanokhar P.S. Case No.207/2022, 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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