

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40175 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

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ABHIJEET KUMAR Son of Nand Kishore Paswan Resident of village -
Dhobghatti, P.S. - Hajipur Sadar, Distt - Vaishali (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sabita Devi Wife of Awadhesh Mahto @ Awadhesh Kumar Resident of
village - Aekara, P.S. - Hajipur Sadar, Distt. - Vaishali - informant

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bal Mukund Prasad Sinha
For the Opposite Party/s : Mr. Md. Shakir Ahmad

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

- 2 24-07-2023 1. Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.
2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
3. The petitioner has preferred this application for
grant of regular bail in connection with Hajipur Sadar P.S. Case
No. 22 of 2023 dated 13.1.2023 registered for the offence
punishable u/s 366A read with 34 of the Indian Penal Code and
Sections 8 and 17 of the POCSO Act.
4. As per the prosecution case, the petitioner and the



co-accused persons are alleged to have kidnapped the minor daughter of the informant.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. Nothing incriminating material has been recovered from the conscious possession of the petitioner. The Medical Board has assessed the age of the victim as 18-19 years. Learned counsel has further submitted that the victim was not forced to have illicit relationship with another person. No offence under the POCSO Act is made out against the petitioner. The petitioner has got clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 14.2.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 22 of 2023 with the conditions :-



(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

(ii) The court below shall verify the criminal antecedent of the petitioner and at any stage, if it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bonds 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.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Ajay Singh/-

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