

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42506 of 2023

Arising Out of PS. Case No.-635 Year-2022 Thana- PATRAKARNAGAR District- Patna

Chhotu Kumar @ Sanjeet Kumar @ Ranjeet Kumar Son Of Shatrughan
Prasad @ Shatrughan Singh Resident Of Village Mohli Ps Didarganj District
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 01-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 24.12.2022 in connection with Patrakar Nagar P.S. Case No.635 of 2022, F.I.R. dated 15.10.2022 for the offences punishable under Sections 366(A) of the IPC and later on Section 376 and 34 of the IPC and Section 4 and 6 of the POCSO Act had been added.

3. According to prosecution case, the daughter of the informant is alleged to have been kidnapped at the instance of the petitioner and others.

4. Learned counsel for the petitioner submits that petitioner 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 F.I.R. Further submits that the date of occurrence as alleged in the FIR is 17-09-2022 whereas the F.I.R has been instituted on 15-10-2022 after lapse of 28 days without giving any explanation. He further submits that the victim has been recovered and her statement was recorded under Section 164 Cr.P.C. in which she has categorically stated that she was having love affair with one Chhotu and she left her house to perform marriage with the petitioner and she left her house to perform the marriage with the petitioner and she had been accompanied with petitioner and one Sunny Kumar, who is said to be nephew of Chhotu. She has not clearly stated that she had been subjected to any sexual assault against the petitioner. He further submits that that similarly situated, co-accused, namely, Sunny Kumar has been granted bail by this Court vide order dated 27.06.2023 passed in Cr. Misc. No. 15377 of 2023. The petitioner is in custody since 24.12.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner that he has abducted the victim girl and apart from that the petitioner



has carried one criminal antecedent other than the present one, but fairly submits that the petitioner has been granted bail in the pending matter.

6. Vide order dated 06.10.2023 a report was called with regard to stage of the trial and in the report dated 12.10.2023 of the learned court below mentioned that the charge has been framed against the petitioner and accused persons 03.05.2023, but the prosecution had not examined any witness as yet.

7. Learned counsel for the petitioner referring the aforesaid report and submits that in view of the report of the learned trial court, the trial is not concluded in near future and the petitioner is in custody since 24.12.2022.

8. Considering the aforesaid facts that the co-accused had been granted bail by this Hon'ble Court and the report of learned trial and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, VIth-cum-Special Judge, POCSO, Patna in connection with Patrakar Nagar P.S. Case No.635 of 2022, subject to the following conditions:-



i. 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.

ii. 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.

iii. 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)

Prakash Narayan

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