

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41413 of 2022

Arising Out of PS. Case No.-914 Year-2020 Thana- SAHARSA SADAR District- Saharsa

VIVEK KUMAR @ BAUA @ BABLU KUMAR SAH SON OF
MAHENDRA SAH R/O VILLAGE- NAURANGA, WARD NO.-10, P.S.-
CHAUTHAM, DISTRICT- KHAGARIA

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ratneshwar Sah S/o Late Garib Sah, R/o vill-Bengaha, Ward No.4, P.S.
Saharsa, District-Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rashmi Jha, Adv.

For the Opposite Party/s : Ms. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-02-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 363, 366 (A) of the Indian
Penal Code and Section 8 of POCSO Act.

According to prosecution case, the petitioner along
with others are said to have kidnapped the minor daughters of
the informant with intent to sexually exploit them. The
informant has apprehension that the petitioner may sell his
daughters to brokers and intend to falsely implicate his son-in-
law in fake rape case.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that it appears from the F.I.R that the allegation against the petitioner is false and fabricated. In fact, the daughters of the informant are not ready to come with the informant, so the informant has filed this false and fabricated case against the petitioner. He further submits that the victim girls have been recovered and their statement was recorded under Section 164 Cr.P.C., in which, they have specifically stated that petitioner namely, Vivek Kumar @ Bablu Kumar Sah has falsely been implicated in the present case. The police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 11.03.2022.

The learned counsel for the informant and learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with POCSO Case No.53 of 2020, arising out of Saharsa P.S. Case No.914 of 2020, 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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