

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41271 of 2023

Arising Out of PS. Case No.-359 Year-2022 Thana- MAHNAR District- Vaishali

Anant Kumar Shah S/O Bhairo Sah R/O Village- Chaknoor Dighwara Ps
Dighwara Distt Saran At Chapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-07-2023 Heard the parties.

The petitioner is in custody in connection with Mahnar P.S. Case No. 359 of 2022 for the offence under Section 363/366(A) of the Indian Penal Code and Section 4/6 of the POCSO Act lodged on 05.12.2022 by the informant, Umesh Mahto.

As per the prosecution story, the daughter of the informant went missing and she could not be traced out. The informant alleged that she used to talk with one, Dipak Kumar and on the day she went missing, she was in conversation with said Dipak Kumar. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that subsequently, the victim girl returned and in her statement under Section 164 of the Cr.P.C., the only allegation against this



petitioner is that he assisted them in disappearing her, for which he has already suffered by being in custody since 06.01.2023 (as stated in paragraph 4 of the petition). Further, he do not have any criminal antecedent.

Learned APP opposes the prayer for bail.

Considering the fact that the petitioner is a young boy, having no criminal antecedent, is in custody since 06.01.2023 and ultimately will have to face the trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Mahnar P.S. Case No. 359 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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