

Arising Out of PS. Case No.-67 Year-2023 Thana- LAURIA District- West Champaran

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ROHIT KUMAR SON OF MUKUL MANJHI RESIDENT OF VILLAGE-
JIRIYA, PS- LAURIYA, DISTT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gauri Shankar Thakur, Adv.
For the Opposite Party/s	:	Mr. Rajeev Nayan, APP
For the Informant	:	Mr. Avinash Raj, Adv.
		Mr. Sachida Nand Rai, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-08-2023 1. Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. Petitioner, who is in custody since 27.04.2023 seeks bail, in connection with Lauriya P.S. Case No.67/2023, dated 23.03.2023, for the offences punishable under Sections 366(A)/34 of the IPC & Section 8 of POCSO Act.

3. According to prosecution case, the petitioner is alleged to have kidnapped the 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 F.I.R. He further submits that in fact the petitioner was in love with the victim and the victim girl was recovered and her statement under Section 161 as well as under Section 164 Cr.P.C. was recorded in which she has categorically stated that she was in love with the petitioner and as per her statement recorded under Section 164 Cr.P.C., there is one video footage of the alleged occurrence but during investigation no such video footage was found by the prosecution and even the family members of the victim has not produced the video footage to the police and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 27.04.2023.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand have vehemently opposed the prayer for bail of the petitioner and submits that statement of the victim girl was recorded under Section 161 Cr.P.C. as well as under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her but fairly submits that the medical report does not support the allegation as alleged in the F.I.R. as well as under Section 161 and 164 Cr.P.C. statement of the



victim.

6. 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 Additional Sessions Judge-VII-cum-Special Judge (POCSO), West Champaran at Bettiah in connection with Lauriya P.S. Case No. 67/2023, 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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