

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47646 of 2023

Arising Out of PS. Case No.-12 Year-2023 Thana- MAHILA P.S District- West Champaran

SUJIT KUMAR Son of Suresh Prasad @ Suresh Patel R/O Village - Khiriya
Ghat, Chautariya Tola, P.S.- Bairiya, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 27.03.2023, in connection with Bettiah (Mahila) P.S. Case No. 12 of 2023, F.I.R. dated 26.03.2023 registered for the offences punishable under Sections 420, 376, 120B, 34 of the Indian Penal Code and Sections 4 and 6 of the POCSO Act but the police after investigation submitted chargesheet under Sections 363, 366A, 420, 376 of the Indian Penal Code and Section 4 of the POCSO Act.

3. Allegation against the petitioner is of fleeing away the minor victim girl by doing friendship with her on Instagram and on the false pretext of marriage the petitioner also established physical relationship with the victim.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely 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 in paragraph-3 of the case diary, the statement of mother of the victim was recorded in which she has categorically stated that the victim has informed that she has gone with the petitioner and she wants to perform the marriage with the petitioner. He further submits that the statement of the victim was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that the petitioner has established physical relation with the victim but she has not stated anywhere that the petitioner has established physical relation forcefully and apart from the aforesaid, the medical report of the victim which was conducted on 26.03.2023 does not support the statement of the victim. In view of the aforesaid, no case is made out under Section 376 of the Indian Penal Code and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 27.03.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the



petitioner and submits that there is serious allegation against the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge Vith-cum-Special Judge POCSO, Bettiah, West Champaran in connection with Bettiah (Mahila) P.S. Case No. 12 of 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 witness, 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 antecedents, 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)

Ibrar//-

U			
---	--	--	--

