

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54049 of 2023

Arising Out of PS. Case No.-128 Year-2023 Thana- WAJIRGANJ District- Gaya

BITTU KUMAR SON OF MAHESH PRASAD RESIDENT OF VILLAGE-
SANGOWAR, PS- NARDIGANJ, DISTT- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-08-2023

Heard the parties.

The petitioner is in custody in connection with Wazirganj P.S. Case No. 128 of 2023 for the offence under sections 366(A)/34 of the Indian Penal Code and section 8 of the POCSO Act later on section 376 of the IPC and section 4/6 of POCSO Act was also added lodged on 05.03.2023 by the informant, Jageshwar Yadav.

As per the prosecution story, one 'X' was having relationship with the petitioner and a mobile was also given by him. When nephew of the informant saw the girl talking with the petitioner, he snatched the mobile and went to the parents of the petitioner but they denied. On the fateful day, when the victim girl went to market, failed to return and no answer was forthcoming from the petitioner side. Accordingly, the FIR.

Learned counsel for the petitioner submits that from the FIR itself, it is clear that the girl was in relationship with the



petitioner. Actually, the petitioner was Driver of the informant and as the salary was not paid, he went to claim the salary, has been falsely implicated in this case and is in custody since 07.03.2023 (as stated in paragraph 13 of the petition).

The further submission is that the FIR is delayed inasmuch as according to the allegation, the girl left the place on 03.03.2023 but the FIR was lodged on 05.03.2023.

Learned APP opposes the prayer for bail.

Though, there is allegation against the petitioner of having taken away the girl, considering the fact that she was having relationship with the boy, they were regularly in conversation, FIR has been lodged and ultimately will have to face the trial, he is a boy of tender age (20 years), has remained in custody since 07.03.2023, do not have criminal antecedent, it will be appropriate that he is granted relief to keep him safe from the hardened criminals in the Jail but with strict conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge POCSO cum Additional District and Sessions Judge-VI, Gaya, in connection with Wazirganj P.S. Case No. 128 of 2023 subject



to the following conditions:

(i) both the bailors should be the father and mother of the petitioner who shall provide official document to show their 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 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;

(iv) 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;

(v) the petitioner will not have any contact either with the victim girl or her parents.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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