

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49440 of 2023

Arising Out of PS. Case No.-199 Year-2022 Thana- PAHARPUR District- East Champaran

Guddu Baitha Son of Budhai Baitha Resident of Village-Amwa Brit, Nizamat,
P.O. and P.S.-Paharpur, District-East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 09.06.2023 in connection with Paharpur P.S. Case No. 199 of 2022, F.I.R. dated 06.06.2022 for the offences punishable under Sections 363, 366(A), 504/34 of the Indian Penal Code and Section 8/12 of the POCSO Act.

4. According to prosecution case, the petitioner is alleged to have taken away the minor daughter of the informant without her sweet will.

5. 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 the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that in fact, the petitioner was in love with the victim and they have performed marriage. He further submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has particularly stated that she was in love with the petitioner and they both have performed marriage in Delhi on 07.07.2022 and at present she is residing in the house of the petitioner. The petitioner is in custody since 09.06.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. 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 cum Special Judge, POCSO, Motihari, East Champaran in connection with Paharpur P.S. Case No. 199 of 2022, subject to the following conditions:-

i. One of the bailors should be the victim, namely,



Gudiya Kumari.

ii. 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.

iii. 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.

iv. 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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