

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50331 of 2023

Arising Out of PS. Case No.-68 Year-2023 Thana- BANKA District- Banka

Nitish Turi son of Ramesh Turi, Resident of Village- Karhaiya, P.S.- Banka,
District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
21.02.2023 in connection with Banka P.S. Case No. 68 of 2023,
F.I.R. dated 02.02.2023 for the offences punishable under
Section 366A of the Indian Penal Code and section 12 of
POCSO Act.

3. According to prosecution case, in brief, is that the
informant who is father of the victim girl alleging therein that
on 23.01.2023 while his minor daughter/victim aged about 16
years was alone at her home, she was kidnapped by the
petitioner in assistance of his family member with the intention
to marry her. It is further alleged that when the informant went
to say this this occurrence to the family members of the
petitioner, they abused him and started beating him.



4. 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 allegation as alleged in the F.I.R. is false and fabricated and 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 was recorded under Section 164 of Cr.P.C. in which she has categorically stated that she was in love with the petitioner and she has performed the marriage with the petitioner and she has not stated anything about the sexual assault. He further submits that the medical report of the victim does not support the allegation as alleged in the F.I.R. and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 21.02.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the victim was minor at the time of occurrence and as per F.I.R. the petitioner has kidnapped the minor girl.

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-VI-cum-Special Judge, POCSO, Banka in connection with Banka P.S. Case No. 68 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 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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