

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49930 of 2023

Arising Out of PS. Case No.-1159 Year-2022 Thana- KHAJANCHI HAT District- Purnia

SUBODH KUMAR SHARMA @ SUBODH SHARMA S/O SRI NARESH
SHARMA R/O VILLAGE- GANGELI, MADARI TOLA, PS. K. NAGAR
(MARANGA), DIST. PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2023 Heard the parties.

The petitioner is in custody in connection with Special (POCSO) Case No. 51 of 2023 arising out of K.Nagar (Maranga) P.S. Case No.1159 of 2022 for the offence under sections 363, 366(A), 504, 506 and 34 of the Indian Penal Code and 8 of the POCSO Act lodged on 02.11.2022 by the informant, Sushil Thakur.

As per the prosecution story, the allegation is that the petitioner came to the house of the informant for painting it but later took away his minor daughter, which followed the F.I.R.

Learned counsel for the petitioner has taken this Court to the deposition of the victim girl under Section 164 of the Cr.P.C. after she was recovered according to which, she is a



student of Intermediate and had narrated that she had gone to the house of her mother's sister, as she was angered by denial of her mother to pay for study purposes. The only part against this petitioner is that he helped her in going to the house of her mother's sister.

The last submission is that the petitioner is in custody since 12.01.2023 (as stated in paragraph 20 of the petition).

Learned APP opposes the prayer for bail.

Considering the statement made by the victim girl under Section 164 of the Cr.P.C., the petitioner is in custody since 12.01.2023 and he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with 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 6th Additional Sessions Judge-cum-Special Judge (POCSO), Purnea, in connection with Special (POCSO) Case No. 51 of 2023 arising out of K. Nagar (Maranga) P.S. Case No.1159 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her 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 appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) 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;

(v) 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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