

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57104 of 2023

Arising Out of PS. Case No.-18 Year-2023 Thana- GAUNAHA District- West Champaran

AMRESH PATEL @ AMRESH KUMAR Son of Jainarayan Patel @
Jaynarayan Patel Resident of village - Srirampur, P.s. - Gaunaha, Distt. - West
Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 31-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection
with Gaunaha P.S. Case No. 18 of 2023 registered under
Sections 363 and 366A/34 of the Indian Penal Code and
Section 8 of the POCSO Act lodged on 01.02.2023 by the
informant, Afroz Alam.

As per the prosecution story, the allegation is that the
informant's sister disappeared along with Rs. 50,000/- which
was kept for marriage and some jewellery. Further it came to
notice that this petitioner has a role in her missing. Accordingly,
the FIR.

Learned counsel for the petitioner straight way taken



the Court to Annexure-2 which is the statement of the victim girl under section 164 of the Cr.P.C. in which she has stated that she was not willing to do domestic work and there was a quarrel. Fed up with that, she left the place and hide herself in a neighbour's house. Learned counsel further submits that the victim girl nowhere has taken the name of the petitioner in the said statement.

Learned APP opposes the prayer stating that the informant has suspicion against the petitioner behind the missing of his sister.

Taking into account the submissions put forward by the learned counsel for the parties, statement of the victim girl under Section 164 of the Cr.P.C., he is in custody since 02.05.2023 (as stated in paragraph-11 of the petition) and do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, POCSO cum ADJ -VII, Bettiah, West Champaran in connection with Gaunaha P.S. Case NO. 18 of 2023 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/her 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 his 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 the bail bonds.

(Rajiv Roy, J)

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