

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50877 of 2023

Arising Out of PS. Case No.-171 Year-2023 Thana- HARNAUT District- Nalanda

Pintu Bind @ Pintu Kumar Son Of Ramjee Jamadar @ Ramaji Jamadar
Resident Of Village- Bangachha, Ps- Telmar, Dist- Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh,Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 28.03.2023 in connection with Harnaut (Telmar) P.S. Case No. 171 of 2023, F.I.R. dated 21.03.2023 registered for the offence punishable under Sections 363,366(A)and 34 of the Indian Penal Code but the police has submitted chargesheet under Sections 363,366(A) of IPC and Sections 8/12 of the POCSO Act.

3. The prosecution case, in short, is that on 18.03.2023, accused persons including the petitioner are alleged to have kidnapped the minor daughter (the victim) of the informant aged about 16 years for the purpose of marriage.

4. Learned counsel appearing for the petitioner



submits that the petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the petitioner is brother-in-law of the father of co-accused, namely, Anuj Kumar. Further submits that from bare perusal of the FIR as well as the statement of the victim under Section 164 Cr.P.C., it appears that co-accused, namely, Anuj Kumar has abducted the daughter of the informant and in her statement under Section 164 Cr.P.C., the victim has not stated anything about the petitioner and she has categorically stated that she has gone with the co-accused, namely, Anuj Kumar and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 28.03.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, 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 learned Additional District and Sessions Judge-VI, Biharsharif, Nalanda in connection with Harnaut (Telmar) P.S. Case No. 171 of 2023, with the following



conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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