

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50732 of 2023

Arising Out of PS. Case No.-921 Year-2022 Thana- KRITYANAND NAGAR District-
Purnia

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Manish Kumar S/O Sri Bishundev Yadav R/O Village- Naya Tola, Rikabganj,
P.S- K. Nagar, Distt.- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2023 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
06.12.2022 in connection with Special (POCSO) Case No.43 of
2023 arising out of K.Hat (Madhubani) P.S. Case No. 921 of
2022, F.I.R. dated 07.09.2022 registered for the offence
punishable under Sections 363 and 366(A) of the Indian Penal
Code as well as Section 8 of POCSO Act.

3. The prosecution case, in short, is that on
01.09.2022, accused persons including the petitioner are alleged
to have kidnapped the minor daughter (the victim) aged about
16 years of the informant with a view to bad intention.

4. Learned counsel appearing for the petitioner



submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that 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 victim was recovered and her statement under Section 164 Cr.P.C. was recorded in which she has not stated the case of the prosecution and apart from the aforesaid she has also refused for her medical examination and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 06.12.2022.

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

6. Considering the aforesaid facts and period of custody, 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 6th Additional Sessions Judge-cum-Special Judge, POCSO, Purnea in connection with Special (POCSO) Case No.43 of 2023 arising out of K.Hat (Madhubani) P.S. Case No. 921 of 2022, 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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