

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51677 of 2022**

Arising Out of PS. Case No.-137 Year-2015 Thana- BIHRA District- Saharsa

Pawan Kumar Roy Son Of Late Ram Vishwas Roy R/O Village- Dumri Ward  
No.-2, P.S.- Paturi (MOHANPUR O.P.), District- Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Jagdhar Prasad

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

4      24-02-2023                      The copy of the deposition of the alleged victim has  
  
been filed across the Board by the Id. Counsel for the  
  
petitioner during the course of hearing.

Heard Ld. counsel for the petitioner and Ld. APP  
  
for the State.

The petitioner seeks bail in connection with POCSO  
  
Case No. 19 of 2015 (s) arising out of Bihra P.S. Case No.  
  
137 of 2015, registered for the offences punishable under  
  
Sections 366 (A)/34 of I.P.C and Section 8 of POCSO Act.

The prosecution case as emerges from the FIR is  
  
that the petitioner and other co-accused kidnapped the minor  
  
sister of the informant.



Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the alleged victim has already been examined during the trial and she has not supported the prosecution case. She has clearly stated that no offence was committed against her on the alleged date of occurrence and she has already married to the accused-petitioner, namely, Pawan Kumar Roy and living at her matrimonial home. He also submits that the present case was falsely lodged by her brother.

He further submits that the petitioner has been languishing in jail since 02.06.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has been made accused in one other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.



Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge-VI-Cum-Special Judge (POCSO), Saharsa in connection with Bihra P.S. Case No. 137 of 2015, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

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