

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52178 of 2023

Arising Out of PS. Case No.-170 Year-2023 Thana- BUXAR District- Buxar

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Ayush Kumar @ Arun Kumar @ Ayush Raj Son Of Shankar Kesari @
Shankar Prasad Resident Of Village - Nokha, P.S. - Nokha, District - Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Arvind Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-08-2023 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
05.04.2023 in connection with Buxar Town P.S. Case No.170
of 2023, F.I.R. dated 22.03.2023 registered for the offence
punishable under Sections 366(A) of IPC and Sections 4/8 of
POCSO Act.

3. The brief facts of the case is that the minor
daughter of the informant has been abducted by the petitioner
with intent to marry.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. The allegation as



alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. In fact the petitioner was in love with the victim and both the petitioner and victim have performed the marriage on 21.03.2023 in the Sai Temple, Greater Noida, New Delhi and the victim is major and her date of birth as mentioned in the Aadhar Card is 14.12.2004 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 05.04.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, 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 A.D.J.-VI-cum-Special Court, Buxar in connection with Buxar Town P.S. Case No.170 of 2023, with the following conditions:-

(I) One of the victim should be the victim, namely, Nainsi Kumari.

(II) 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.

(III) 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.

(IV) 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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