

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55132 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

Shiv Sagar Rai Son Of Sarjug Rai Resident Of Village - Manorthi, Ward
No.4, P.S. - Runnisaidpur, District - Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-11-2023 Heard Mr. Mahendra Thakur, learned counsel for
the petitioner and Mr. Pradeep Narain Kumar, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Runnisaidpur P.S. Case No. 23 of 2023, F.I.R. dated 13.01.2023 for the offences punishable under Sections 366(A) of the Indian Penal Code.

3. According to prosecution case, the minor daughter of the informant has been kidnapped by the co-accused, Munna Kumar with the help of this petitioner and other unknown persons.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the ground that he is



father of the co-accused, namely, Munna Kumar. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has not supported the case of the prosecution.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned 6th Additional Sessions Judge cum Special Judge (POCSO Act), Sitamarhi in connection with Runnisaidpur P.S. Case No. 23 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 absence on two consecutive dates without sufficient reason, his 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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