

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52587 of 2023

Arising Out of PS. Case No.-479 Year-2022 Thana- MADHEPURA District- Madhepura

Niraj Kumar S/O Suresh Sah R/O Village- Pipra (ACCORDING To F.I.R),
But Resident Of West Kaap Bharna Tola, P.O.- Golma Ps. Saur Bazar Dist.
Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
25.04.2023 in connection with Madhepura P.S. Case No. 479 of
2022, F.I.R. dated 24.05.2022 for the offences punishable under
Sections 366(A), 341, 323, 506 and 34 of the Indian Penal Code
and Section 8 of the POCSO Act.

3. According to prosecution case, the son of the
informant disclosed that this petitioner along with other accused
persons have kidnapped her sister for marriage.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that as per the



allegation in the F.I.R the victim had been kidnapped by the petitioner. He further submits that in fact, the victim was recovered and her statement under Section 161 as well as 164 of the Cr.P.C. was recorded in which she has fully supported the case of the prosecution but after the present occurrence, both the parties had come to a compromise which is Annexure-2 of the bail petition. He further submits that from perusal of the 164 statement of the victim it appears that the petitioner has not committed anything wrong with her. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 25.04.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has kidnapped the victim and the victim has also supported the case of the prosecution but fairly submits that there is settlement between the parties (Annexure 2).

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge** and on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI,



POCSO, Madhepura in connection with Madhepura P.S. Case No. 479 of 2022, subject to 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 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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