

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53491 of 2023

Arising Out of PS. Case No.-696 Year-2022 Thana- HARNAUT District- Nalanda

VIKASH KUMAR SON OF BABLU BIND RESIDENTS OF VILLAGE -
TELMAR, P.S. - HARNAUT, DISTRICT - NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-08-2023 Heard the parties.

The petitioner is in custody in connection with Harnaut (Telmar) P.S. Case No. 696 of 2022 for the offence under sections 363, 366(A) of the Indian Penal Code and section 08/12 of the POCSO Act lodged on 06.12.2022 by the informant, Nagendra Paswan.

As per the prosecution story, the allegation is that the informant's daughter was returning from field, was kidnapped by the accused persons. Accordingly, the F.I.R.

Subsequently, the girl returned and she made statement under section 164 of the Cr.P.C. stating that she went on her own and married this petitioner.

Learned counsel for the petitioner submits that contrary to the allegation, the girl has deposed, as stated above,



is in custody since 05.05.2023 (as stated in paragraph 16 of the petition) and do not have criminal antecedent.

Learned APP opposes the prayer for bail stating that the girl was seventeen years at the time of occurrence.

To this, learned counsel for the petitioner submits that she was on the verge of major, is actually major but due to certificate, the minor tag is there.

Taking into account the submissions put forward by the learned counsel for the petitioner, the deposition of the girl under Section 164 of the Cr.P.C, is in custody since 05.05.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned VIIth Additional Sessions Judge, Nalanda (Biharsharif), in connection with Harnaut (Telmar) P.S. Case No. 696 of 2022 subject to the following conditions:

- (i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;
- (ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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