

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53045 of 2023

Arising Out of PS. Case No.-171 Year-2023 Thana- HARNAUT District- Nalanda

ANUJ KUMAR SON OF VILAS BIND @ RAMVILAS BIND RESIDENT
OF VILLAGE- ORIYAWAN, POLICE STATION- EKANGARSARAI,
DISTRICT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh, Adv.
For the Opposite Party/s	:	Mrs. Indu Kumari Srivastava, APP
For the Informant	:	Mr. Satya Prakash, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 23-08-2023 1. Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 28.03.2023 seeks bail, in connection with POCSO Case No.90/2023, arising out of Harnaut (Telmar O.P.) P.S. Case No.171/2023, dated 21.03.2023, for the offences punishable under Sections 363 and 366A/34 of the IPC.
3. According to prosecution case, the petitioner in connivance with other co-accused persons abducted the minor daughter of the informant for the purpose of marriage.
4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed



any offence as alleged in the F.I.R. He further submits that in fact the petitioner and victim was in love and they have performed their marriage on 24.03.2023 in the premises of Civil Court, Hilsa and the statement of the victim was recorded under Section 164 Cr.P.C., in which she has categorically stated that no one has abducted her and she has performed her marriage with the petitioner on her own sweet will and the petitioner has not compelled her to perform the marriage. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 28.03.2023.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has intentionally abducted the daughter of the informant for performing marriage and it is admitted fact that the victim girl was minor at the time of occurrence.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail after framing of charge, if not framed, 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, Nalanda at Bihar Sharif in connection with POCSO Case No.90/2023, arising out of Harnaut (Telmar O.P.) P.S. Case No. 171/2023, subject to the following conditions:-



1. 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.

2. 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.

3. 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)

amit/-

U		T	
---	--	---	--

