

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53748 of 2023

Arising Out of PS. Case No.-81 Year-2023 Thana- BUXAR INDUSTRIAL District- Buxar

Arun Kharwar Son Of Nirmal Kharwar Resident Of Village- Simari, P.S-
Simari, Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parijat Saurav, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 01.06.2023, in connection with Buxar Industrial P.S. Case No. 81 of 2023, F.I.R. dated 23.03.2023 registered for the offences punishable under Sections 366/34 of the Indian Penal Code and later on Section 8 of the POCSO Act was added.

3. The prosecution case, in short, is that on 19.03.2023 the petitioner and other co-accused person are alleged to have kidnapped the daughter-in-law of the informant.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that the victim is a married lady



and the informant is father-in-law of the victim and the victim was recovered and her statement under Section 164 of the Cr. P.C. was recorded in which she has categorically stated that she was in love with the petitioner and her marriage was performed without her wish and she wants to live with the petitioner and on her own sweet will she had gone with the petitioner and she refused for her medical examination. The petitioner is in custody since 01.06.2023.

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

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Buxar in connection with Buxar Industrial P.S. Case No. 81 of 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 witness, 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 antecedents, 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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