

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57007 of 2022

Arising Out of PS. Case No.-74 Year-2021 Thana- KATORIYA District- Banka

Ashok Kumar Das @ Ashok Kumar S/o Mohan Das R/V- Teendobha, P.S.-
Katoria, Distt- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 366(A), 376 and 379 of the Indian Penal Code and Section 4 and 8 of the POCSO Act, 2012.

According to prosecution case, the petitioner along with other accused persons forcefully kidnapped the minor daughter of the informant with intent to marry or to defile her.

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 in fact, the petitioner and the victim was in love and they have performed the marriage. He further submits that the victim girl



was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that she has performed the marriage with the petitioner and she lives peacefully in her matrimonial house. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 08.04.2022.

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

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 Court below where the case is pending in connection with Katoria P.S. Case No. 74 of 2021, subject to the following conditions:-

1. One of the bailor must be the victim girl, namely, Amrita Kumari.

2. 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.



3. 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.

4. 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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