

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57054 of 2023

Arising Out of PS. Case No.-325 Year-2022 Thana- PUPRI District- Sitamarhi

VIKESH KUMAR @ BHUTKUN KUMAR SON OF NANDA MANDAL
RESIDENT OF VILLAGE- HARIHARPUR, WARD NO. 3, PS- PUPRI,
DISTT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-08-2023 Heard the parties.

The petitioner is an accused in connection with Pupri P.S. Case No. 325 of 2022 registered for the offences under sections 366(A) and 34 of the Indian Penal Code and section 8 of the POCSO Act lodged on 09.09.2022 by the informant, Savita Devi.

As per the prosecution story, one Savita Devi lodged FIR stating that the petitioner came to her house and took away her daughter and they left the place in a '*tempo*'. The further allegation is that her daughter also took away Rs. 40,000/- from the house. She raised alarm, but by then the '*tempo*' had fled away. Accordingly, the FIR.

It is the case of the petitioner that the girl



subsequently returned and did not narrated anything against the petitioner.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Taking into account the categorical statement of the learned Counsel for the petitioner that in paragraph 13 of the petition, the victim girl under section 164 of the Cr.P.C. has not been narrated anything against him as also the fact that he is in custody since 01.05.2023 (as stated in paragraph 15 of the bail application) and do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

However, if it is found that the statement in paragraph 13 of the petition is wrong inasmuch as the girl has made allegation against the petitioner, the order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Additional Sessions Judge VI cum Special Judge (POCSO Act), Sitamarhi in connection with Pupri P.S. Case No. 325 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
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 appear before the concerned
police station every fortnight for next six months to mark
attendance;

(iv) 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 his bail bonds;

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

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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