

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 57676 of 2023

Arising Out of PS. Case No.-402 Year-2022 Thana- KOCHAS District- Rohtas

PAPPU KUMAR SON OF JAGNARAYAN SINGH RESIDENT OF
VILLAGE LOHRABAD P S PIRO DISTRICT BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Tripathy, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-09-2023 Heard the parties.

The petitioner is in custody in connection with Kochas P.S. Case No. 402 of 2022 for the offence under section 366A of the Indian Penal Code lodged on 10.12.2022 by the informant, Ajmeri Khatoon.

As per the prosecution story, the informant alleged that in the night, when she woke up, could not found the minor daughter and had apprehension that this petitioner took her away with the purpose of marriage. Accordingly, the FIR.

Learned counsel for the petitioner submits that subsequently, the victim girl returned and as per paragraph 6 of the petition, she made categorical statement that she went to Piro, stayed in a rented house and when came to know about the lodging of the case, went to Piro station herself. It has further stated in paragraph 7 that she is in love with the petitioner.



The last submission is that he is in custody since 13.07.2023 (as stated in paragraph 10 of the petition) and do not have criminal antecedent.

Learned APP opposes the prayer for bail but concedes that in paragraphs 6 and 7, these facts have been incorporated and if true, it seems that the girl was in relationship though he says that she is minor.

Taking into account the submissions put forward by the parties as also the statement incorporated in paragraphs 6 and 7, coupled with the fact that he is in custody since 13.07.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

However, if it is found that the statement so made in paragraphs 6 and 7 are wrong, the order shall become infructuous.

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 Addl. Sessions Judge-VI Cum Exclusive Special Court POCSO, Rohtas at Sasaram, in connection with Kochas P.S. Case No. 402 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 appear before the concerned police station every fortnight for six months to mark his 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 the 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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