

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59027 of 2023

Arising Out of PS. Case No.-373 Year-2022 Thana- RAHUI District- Nalanda

Suraj Choudhary @ Suraj Kumar S/O Yougendra Chaudhary R/O Village-Salmabad (SONSA), P.S. Rahui, Dist. Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi W/O Rambabu Paswan R/O Village- Rahui, P.S. Rahui, Dist. Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Onkar Nath, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2023 Heard Mr.Onkar Nath, learned counsel for the

petitioner and Mr.Satyendra Prasad, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Rahui P.S.Case No.373 of 2022, FIR dated 06.07.2022 registered for the offences punishable under Sections 366(A)/354 and 34 of IPC and Section 8 of the POCSO Act.

3.The prosecution case, in short, is that on 03.07.2022, accused persons including the petitioner are alleged to have kidnapped the minor daughter (the victim) of the informant aged about 14 years.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that in fact the petitioner was in love with the victim and the statement of the victim under Section 164 Cr.P.C. was recorded in which she has categorically stated that the petitioner has not committed anything wrong and they are arrested by the G.R.P. on the next date of the occurrence.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned Addl. District and Sessions Judge-VII-cum-Special Judge, POCSO, Nalanda, Bihar Sharif in connection with Rahui P.S. Case No.373 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following



conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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/her 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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