

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58631 of 2023

Arising Out of PS. Case No.-38 Year-2022 Thana- GHANSHYAMPUR District- Darbhanga

NITISH KAMTI SON OF DULARCHAND KAMTI@ DULAR CHANDRA
KAMTI RESIDENT OF VILLAGE- RASIARI, PS- GHANSHYAMPUR,
DISTT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhimanyu Deo, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Ghanshyampur P.S. Case No. 38 of 2022 registered under Sections 366A, 376 (3) & 34 of the Indian Penal Code lodged on 16.02.2022 by the informant, Binod Mallick.

3. As per the prosecution story, the allegation is that the informant's daughter went missing and later, he got information that the accused persons named had kidnapped her and taken to a secluded place.

4. Learned counsel for the petitioner has taken this Court to the order sheet of the learned Sessions Judge in which while rejecting his prayer for bail, it has been stated that the



main allegation is against Rupesh Kumar Thakur @ Chhabu of having raped her. So far as this petitioner is concerned, allegation is that he had helped Rupesh Kumar Thakur @ Chhabu in the kidnapping of the girl. It is his further submission that the said Rupesh Kumar Thakur @ Chhabu and Lala Jha have been granted bail by default as no charge sheet could be submitted within a period of 90 days.

5. Learned APP for the State opposes the prayer for bail stating that he was also part and parcel of the missing of informant's minor daughter.

6. Considering the fact that the petitioner is a young person, do not have criminal antecedent, the accused against whom the rape allegation has been made is out of jail and he is in custody since 19.01.2023 (as stated in paragraph-11 of the petition), this Court is inclined to grant him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (POCSO Act), Darbhanga in connection with Ghayanshyampur P.S. Case No. 38 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/her 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.

(Rajiv Roy, J)

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