

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60338 of 2023**

Arising Out of PS. Case No.-417 Year-2021 Thana- BIRPUR District-
Supaul

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PANKAJ KUMAR DAS @ PANKAJ DAS SON OF SRI RANJIT DAS RESIDENT
OF VILLAGE- PROFESSOR COLONY, WARD NO. 13, PS- BIRPUR, DISTT-
SUPUAL

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alexander Ashok

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2023 Heard Mr. Alexander Ashok, learned counsel for

the petitioner and Mr. Binod Kumar, learned A.P.P. for the

State.

The petitioner apprehends his arrest in connection
with Birpur P.S. Case No. 417 of 2021 dated 01.12.2021
registered for the offence under Sections 366A/34 of the
Indian Penal Code and subsequently cognizance has been
taken under Section 363, 366A, 376, 120B of the Indian
Penal Code and Sections 4,6,8,10 and 17 of the POCSO Act
and also Section 9 and 10 of the Prohibition of Child
Marriage Act.

The petitioner along with others are alleged to



have abducted the daughter of the informant for the purpose of performing marriage.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that the police after investigation has submitted final form against the petitioner but the learned magistrate deferring with the police report has taken cognizance against the petitioner under Sections 363, 366A, 376 and 120B of the Indian Penal Code vide order dated 23.2.2023. Moreover, the co-accused, namely, Jai Kumar Mukhiya, Chandrika Devi and Sukmanti Devi @ Sukmati Devi @ Kajal Kumar have already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 16.10.2023 passed in Cr. Misc. No. 60818 of 2023.

Learned A.P.P. for the State on the basis of material available on record has opposed the prayer for bail of the petitioner and referring to the statement of the victim recorded under Section 164 Cr.P.C. submits that the



petitioner along with other accused persons have forcefully abducted her and performed marriage with Raj Mukhiya. He fairly submits that the co-accused, Raj Mukhiya has already been granted bail by the court below (Juvenile Court) and other accused persons have also been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court.

Considering the facts and circumstances of the case and the fact that the petitioner has clean antecedent and the other co-accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 Additional District and Sessions Judge-VI -cum- Special Sessions Judge, POCSO, Supaul in connection with Birpur P.S. Case No. 417 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) 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 canceled by the Court below.

(2) 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.

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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