

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61771 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- LODIPUR District- Bhagalpur

Mithun Kumar @ Mithun Sah Son Of Sri Shiv Sah Resident Of Miranchak
Usta, P.S- Lodipur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
23.02.2023 in connection with Lodipur P.S. Case No. 22 of
2023, F.I.R. dated 02.02.2023 for the offences punishable under
Sections 366A of the Indian Penal Code along with Section 8 of
the POCSO Act.

3. According to prosecution case, the daughter of the
informant is alleged to have been abducted.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R., is false and fabricated and he
has not committed any offence. Further more, the victim was



recovered and her statement was recorded under Section 161 and 164 of the Cr.P.C., in which she has categorically stated that she was in love with the petitioner and has performed marriage with the him at Jodhpur. But during investigation/examination, she has refused for her medical examination. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 23.02.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner and it has come during investigation that the victim was minor but fairly submits on the basis of material available on record that the victim has refused for her medical examination. He further submits that she has categorically stated that she has performed the marriage with the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Additional Sessions Judge – 6th -cum- Special Court of POCSO Act, Bhagalpur, in connection with Lodipur P.S. Case No. 22 of



2023, subject to the 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 absence on two consecutive dates without sufficient reason, his 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 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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