

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63781 of 2022

Arising Out of PS. Case No.-166 Year-2022 Thana- KUMAR KHAND District- Madhepura

Sudhir Kumar @ Sudhir Ram Son Of Umesh Ram R/O Mahadalit Tola, Ward
No.12, Kharagpur, P.S.- Saharsa, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 366(A) of the Indian Penal Code and Section 8 of the POCSO Act.

The prosecution case, in short, is that on 04.05.2022, accused persons including the petitioner are alleged to have kidnapped the minor daughter of the informant for the purpose of marriage.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. She further submits that the allegation as alleged in the F.I.R. is false and fabricated and in fact the petitioner and the victim girl was in love and they were



performed the marriage.

She further submits that the victim girl was recovered and her statement was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that she was in love with the petitioner and they have performed the marriage and they are living with the petitioner as husband and wife.

In view of the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Kumarkhand P.S. Case No. 166 of 2022, with the following conditions :-

(1) One of the bailors should be the victim girl, namely, Mamta Kumari.

(2) 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.

(3) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.



(4) 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 antecedents, 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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