

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65981 of 2022

Arising Out of PS. Case No.-403 Year-2022 Thana- SIKARPUR District- West Champaran

Raju Baitha Son Of Meth Baitha @ Mai Baitha R/O Village- Pachmawa, P.S.-
Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 22.07.2022 in connection with Shikarpur P.S. Case No. 403 of 2022, F.I.R. dated 15.05.2022 registered for the offence punishable under Sections 363,366,379 of IPC and Sections 8 and 12 of the POCSO Act.

Specific allegation against co-accused, namely, Naushad Mia @ Naushad Alam, who happens to be the uncle of the victim, has abducted the victim and handed over to the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that it appears



from the FIR that the allegation against co-accused, namely, Naushad Mia @ Naushad Alam, who happens to be the uncle of the victim, has abducted the victim and handed over to the petitioner and the victim girl was recovered and her statement was recorded under Section 164 Cr. P.C. in which she has categorically stated that she was in love with the petitioner and due to her sweet-will she had gone with the petitioner and co-accused, namely, Naushad Mia @ Naushad Alam has been granted bail by the learned court below itself vide order dated 24.08.2022 passed in B.P. No. 4129 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 22.07.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid fact, let the petitioner, above named, be released on bail **after framing of the charges** 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-VII-cum-Special Judge, POCSO Act, West Champaran, Bettiah in connection with Shikarpur P.S. Case No. 403 of 2022, 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 cancelled 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.

(3) 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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