

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61868 of 2023

Arising Out of PS. Case No.-298 Year-2023 Thana- ARWAL District- Jehanabad

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SUNNY KUMAR S/O SANJAY KUMAR R/O VILLAGE- JAIPRAKASH
NAGAR, P.S- ARWAL, DISTT.- ARWAL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anshul Kumar, Advocate
		Mr. Anuj Kumar, Advocate
For the Opposite Party/s :		Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

2. Petitioner seeks bail, who is in custody since 16.06.2023 in connection with Special POCSO Case No. 55 of 2023 arising out of Arwal P.S. Case No. 298 of 2023, F.I.R. dated 15.06.2023 for the offences punishable under Sections 363 and 365/34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. According to prosecution case, the informant alleges that the present petitioner with the help of his friends and family members kidnapped the informant's daughter with the intention of raping her.



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 as per the FIR, the allegation against the petitioner is that the petitioner along with the other co-accused persons and his family members kidnapped the informant's daughter. Learned counsel for the petitioner submits that the petitioner has been falsely been implicated in the present case and the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and in fact the petitioner was in love with the informant's daughter and the victim does not support the case of the prosecution in her statement recorded under 164 of the Cr.P.C. and she has also refused for her medical examination. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 16.06.2023.

5. The learned Additional Public Prosecutor for the State on the other hand on the basis of material available on record as well as case diary vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the victim was minor on the alleged date of



occurrence but fairly submits that she refused for her medical examination and she has not stated any kind of assault against 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 VI cum Spl Judge (POCSO) Act, Jehanabad, in connection with Arwal P.S. Case No. 298 of 2023, subject to 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 absence on two consecutive dates without sufficient reason, his 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)

Adnan/-

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