

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60335 of 2022

Arising Out of PS. Case No.-32 Year-2022 Thana- SIMRA District- West Champaran

KISHAN KUMAR S/O LAXMAN VISHWAS Resident of village- Arvind
Nagar Colony, P.S.- Semra, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 363, 366A, 34 of the Indian
Penal Code and Section 8 of the POCSO Act.

According to prosecution case, on 08.03.2022 at about
10.00 P.M. when the daughter of informant went out to attend
the call of nature, in the meantime, the petitioner and one
Manish Kumar kidnapped her. After search, on 09.03.2022 the
informant has recovered his daughter. The victim girl disclosed
that the accused persons kept her in the house which was lodged
from outside and a tape was applied on her mouth so that she
cannot make alarm.

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 it appears from the F.I.R. itself that there is no allegation of any assault or overt act against the petitioner. It transpires from the impugned order itself that the statement of the victim girl was recorded under Section 164 Cr.P.C., in which she has not supported the allegation made in the F.I.R. The police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 10.03.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Semra P.S. Case No. 32/2022, 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)

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