

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64576 of 2023

Arising Out of PS. Case No.-122 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Vicky Kumar Son Of Saroj Kumar Resident Of Village- Patpariya Hal, Ps-
Motihari Muffasil, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Motihari Muffasil P.S. Case No.122 of 2023, lodged on
08.02.2023, under Sections 363/366A/506 of the Indian Penal
Code and Section 8 of the POCSO Act.

3. As per the prosecution, the allegation of kidnapping
of the informant's daughter with a view to marry is there in the
FIR.

4. Learned counsel for the petitioner submits that the
said victim has been recovered and narrated her statement under
Section 164 Cr.P.C. Counsel submits that vide order dated
11.10.2023, case diary along with statement of the victim under



Section 164 Cr.P.C. has been called for. Counsel further submits that there are four more criminal antecedents against the petitioner in which he is on bail.

5. Learned counsel for the State opposes the prayer for bail and submits that antecedent of the petitioner is not clean but he also submits that from the case-diary particularly the statement under Section 164 Cr.P.C. nothing adverse has come against the present petitioner and it has come that she went with consent and victim is major.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be released on bail **on production of a certificate that in other cases he is not absconding** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, POCSO, Motihari, East Champaran, in connection with Motihari Muffasil P.S. Case No.122 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his



bona fide;

(ii) The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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