

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65445 of 2022

Arising Out of PS. Case No.-524 Year-2021 Thana- SURSAND District- Sitamarhi

SHAMBHU RAM Son of Late Ram Ekbal Ram Resident of Village- Baghari,
Ward No.-11, P.S.- Sursand, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case being Sursand P.S.
Case No. 524 of 2021 registered for the offence under Sections
363 and 366(A) of the Indian Penal Code and Section 8 of the
POCSO Act.

According to the prosecution case, the petitioner
enticed away the minor daughter of the informant for the
purpose of marriage.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the allegation as alleged in the F.I.R. is false and fabricated and no
such occurrence took place. He further submits that due to village



politics, the petitioner has been dragged in this case. He further submits that the victim in her statement recorded under Section 164 Cr.P.C. has not supported the allegation of kidnapping and she has categorically stated that she had willfully left her house out and went to the house of maternal grand mother. Therefore, no case of abduction is made out against the petitioner. The petitioner is rotting in judicial custody since 09.06.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional Sessions Judge-VI -cum- Special Judge (POCSO Act), Sitamarhi in connection with Sursand P.S. Case No. 524 of 2021 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 canceled 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.



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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