

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1209 of 2022

Arising Out of PS. Case No.-341 Year-2021 Thana- RAMPUR District- Gaya

RAJA KUMAR SAWARNKAR Son of - Ramvilash Kumar Saw Resident of
Village - Sahmir Takiya, Durga ASthan (Sangat Gali), Police Station -
Rampur, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi

For the Opposite Party/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 23-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
POCSO Case No. 119 of 2021 arising out of Rampur P.S. Case
No. 341 of 2021 registered for the offences punishable under
Section 366(a) of the Indian Penal Code and Section 8/12 of
POCSO Act.

As per prosecution case, there is allegation that on
12.10.2021 at 4:00 PM petitioner took away informant's minor
daughter.

Learned counsel for the petitioner submits that
petitioner bears no criminal antecedent. He further submits that
basically petitioner is quite innocent and has not committed any



offence as alleged in the FIR. From perusal of the statement of victim under Section 161 of the Cr.P.C. it appears that the victim was in love affair with petitioner and she went with petitioner on her own will. He further submits that statement of victim under Section 164 of the Cr.P.C. has been recorded in which she has stated that she went alongwith petitioner to visit Durga Puja and during the course of visit she became late and that is why she did not return in night. No allegation is attributed to the petitioner so far as statement of victim under Section 164 of Cr.P.C. is concerned. Petitioner is in custody since 14.10.2021. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody which is more than one year three months, keeping in view clean antecedent of petitioner, statement of victim under Section 164 of the Cr.P.C. indicates that no allegation is attributed to the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the



material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO cum ADJ-VI, Gaya in connection with POCSO Case No. 119 of 2021 arising out of Rampur P.S. Case No. 341 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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