

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65635 of 2022

Arising Out of PS. Case No.-338 Year-2021 Thana- RAJNAGAR District- Madhubani

Ajay Kumar Pal @ Amirka @ Amerika S/O Gulle R/O Village- Laukhawa
Balapur, P.S- Maharajganj Tarai, District- Balrampur, State - Uttar Pradesh
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
15.03.2022 in connection with Raj Nagar P.S. Case No. 338 of
2021, F.I.R. dated 04.12.2021 for the offences punishable under
Sections 366(A) of the Indian Penal Code and Section 8/12 of
the POCSO Act.

According to prosecution case, the daughter of the
informant went with the petitioner on motorcycle and did not
returned for a long time. It is alleged that it seems that the
petitioner has abducted the daughter of the informant with an
intention to marry her.



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 in fact, the petitioner was in love with the victim girl and they have performed marriage on 04.12.2021 in Devi Patan Temple at Balrampur (Uttar Pradesh). He further submits that the victim girl was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has supported the contention of the petitioner that the petitioner has performed marriage with the victim. He further submits that it has come during investigation in medical report that the victim was pregnant at the time of her medical examination. The petitioner is in custody since 15.03.2022.

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 Additional Sessions Judge 6th cum Special Judge, POCSO, Madhubani in connection with Raj Nagar P.S. Case No. 338 of 2021, subject to the following conditions:-



1. One of the bailor shall be the victim girl, namely, Khushboo Kumari.

2. 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.

3. 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.

4. 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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