

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68674 of 2023**

Arising Out of PS. Case No.-318 Year-2023 Thana- BHAGALPUR KOTWALI District-  
Bhagalpur

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Prem Sagar Son Of Late Naresh Singh Resident Of Village - Aulilabad, P.S. -  
Jhandapur, District - Bhagalpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Adv.  
For the Opposite Party/s : Mr. Nagendra Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      19-10-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with  
Kotwali (Tilka Manjhi) P.S. Case No. 318 of 2023 (POCSO  
Case No. 137 of 2023) lodged under Section 366A of the I.P.C.  
later on added Section 4/8 of the POCSO Act.

3. As per the prosecution case, the F.I.R. has been  
lodged against the petitioner alleging that he has kidnapped the  
daughter of the informant.

4. Learned counsel for the petitioner submits that  
petitioner is innocent and has committed no offence. He submits  
that the alleged victim has been recovered and she has narrated  
her statement under Section 164 of the Cr.P.C. and in her

statement, she has disclosed that she was in love with the petitioner since last 4 years and she voluntarily went with the petitioner. It has also been accepted that both has solemnized marriage and marriage certificate has also been brought before the Court as acknowledged in the order sheet.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (POCSO) -cum- 7<sup>th</sup> Addl. District and Sessions Judge, Bhagalpur, in connection with Kotwali (Tilka Manjhi) P.S. Case No. 318 of 2023 (POCSO Case No. 137 of 2023), subject to the following conditions as laid down under Section 437(3) of Cr.P.C. 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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