

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63495 of 2022

Arising Out of PS. Case No.-134 Year-2022 Thana- GURUA District- Gaya

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Rahul Kumar S/O Suresh Paswan R/v- Aarsi Kala, P.S.- Gurua, District- Gaya
(Bihar) Petitioner/s

Versus

The State Of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Tiwary, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 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
07.05.2022 in connection with Gurua P.S. Case No. 134 of
2022, F.I.R. dated 05.05.2022 for the offences punishable under
Section 366(A) of the Indian Penal Code and Section 12 of
POCSO Act.

According to prosecution case, the daughter of the
informant was missing from the house and the informant has
full faith that the petitioner has kidnapped the minor daughter of
the informant.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case and he has not committed any offence as alleged in the F.I.R. He further submits that in fact, the petitioner was in love with the victim and the victim girl was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioner has not done any wrong with her and she has gone with the petitioner with her own sweet will. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 07.05.2022.

The learned Additional Public Prosecutor on the basis of material on record and the case diary has vehemently opposed the prayer for bail of the petitioner and submits that that the victim was minor at the time of occurrence and the consent of the minor is of no value in the eye of the law.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge, if not framed**, and on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, POCSO-cum- Additional Sessions Judge 7, Gaya in connection with Gurua P.S. Case No. 134 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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