

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65375 of 2022

Arising Out of PS. Case No.-194 Year-2022 Thana- PIPRAKOTHI District- East Champaran

SHANNI KUMAR S/O Shankar Prasad R/O Village- Dhekaha, Maniyar Tola,
P.O- Dhekaha Bazar, P.S- Muffasil, Motihari, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
29.06.2022 in connection with Piprakothi P.S. Case No.
194/2022, F.I.R. dated 28.06.2022, for the offences punishable
under Sections 341, 323, 366(A), 448, 380, 506/34 of the Indian
Penal Code and Section 8 of POCSO Act.

According to prosecution case, the petitioner along
with co-accused namely, Rohit Kumar are alleged to have
kidnapped the minor daughter of the informant on the point of
weapon.

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 the



allegation as alleged in the F.I.R. is false and fabricated and in fact no such occurrence has taken place. He further submits that the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. From bare perusal of the statement of the victim girl recorded under Section 164 Cr.P.C. it transpired that the allegation as alleged in the F.I.R. is false and fabricated and the victim has not supported the allegation as alleged in the F.I.R. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 29.06.2022.

The learned Additional Public Prosecutor for the State on the other hand 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 6th Additional Sessions Judge-cum-Special Judge (POCSO), East Champaran at Motihari, in connection with Piprakothi P.S. Case No. 194/2022, 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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