

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71549 of 2023

Arising Out of PS. Case No.-251 Year-2022 Thana- NAWANAGAR District- Buxar

RAHUL SAH @ RAHUL KR GUPTA SON OF SANJAY SAH @ SANJAY
KR. GUPTA RESIDENT OF VILLAGE -BAIJNATHPUR PS-
NAVANAGAR, DISTRICT- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhilesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 07-11-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Nawanagar P.S. Case no. 251 of 2022 (POCSO Case no. 86 of 2022) registered under sections 366A and 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner is said to have kidnapped the minor daughter of the informant.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. As would be evident from the contents of the statement of the alleged victim under section 164 Cr.P.C. as also her statement in course of trial which has been brought on record as Annexure-2, no such occurrence as alleged in the FIR has taken place. The petitioner is in custody since 22.10.2022 and



undertakes to cooperate in the trial.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the submissions made on behalf of the petitioner specially the contents of the deposition of the victim in course of the trial which has been brought on record as Annexure-2 to the petition together with the petitioner being in custody since 22.10.2022, the Court directs the petitioner to be enlarged on bail in connection with Navanagar P.S. Case no. 251 of 2022 (POCSO Case no. 86 of 2022) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-VI cum POCSO Court, Buxar.

7. It is directed that the petitioner shall cooperate in the trial in the learned trial Court and shall remain physically present in Court on each date of the trial. In case, the learned trial Court is of the opinion that the trial is being delayed due to noncooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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