

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74535 of 2022**

Arising Out of PS. Case No.-88 Year-2022 Thana- SONBERSA District- Saharsa

Ganesh Malakar S/O Upendra Malakar Resident of village- Sonbarsa, Ward  
No- 14, P.S.- Sonbarsa, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pramod Mishra, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      08-05-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner seeks bail, who is in custody since 19.04.2022, in connection with POCSO Case No. 35 of 2022 arising out of Sonbarsa Raj P.S. Case No. 88 of 2022, F.I.R. dated 09.04.2022 registered for the offences punishable under Sections 363, 366(A) of the Indian Penal Code and later on Sections 8, 12 and 17 of the POCSO Act was added.

The prosecution case, in short, is that on 06.07.2022, accused person is alleged to have kidnapped the daughter of the informant Bebi Kumari for the purpose of marriage.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.

The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and 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 allegation as alleged in the F.I.R. and at the time of occurrence the victim was minor.

Vide order dated 11.04.2023, a report was called for with regard to the stage of trial. The report of the learned trial court dated 19.04.2023 reveals that charges have been framed on 28.03.2023 against the petitioner and the trial is at the stage of the prosecution witnesses and till date the prosecution has not examined any witness.

Learned counsel for the petitioner submits that in view of the report of the learned trial court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 19.04.2022.

In view of the report of the learned Trial court that charges have been framed against the petitioner and the petitioner is in custody since 19.04.2022, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO,



Saharsa in connection with POCSO Case No. 35 of 2022 arising out of Sonbarsa Raj P.S. Case No. 88 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 witness, 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 antecedents, 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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