

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66003 of 2022

Arising Out of PS. Case No.-435 Year-2022 Thana- SIKARPUR District- West Champaran

Suraj Mukhiya @ Suraj Kumar Son of Gagandev Mukhiya R/v- Kuwarpur,
P.S.- Pipara, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Shubham, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-04-2023 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
06.06.2022 in connection with Shikarpur P.S. Case No. 435 of
2022, F.I.R. dated 26.05.2022 for the offences punishable under
Sections 363 and 366A of the Indian Penal Code and Sections 8
and 12 of the POCSO Act.

According to prosecution case, the daughter of the
informant was missing and the informant has apprehension that
someone has kidnapped his daughter while she was going to
attend coaching.



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 allegations as alleged in the F.I.R. is false and fabricated and no such occurrence has taken place. He further submits that no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that medical report also suggest that there is no sexual assault and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 06.06.2022.

The learned Additional Public Prosecutor on the basis of material available on record and the case diary has vehemently opposed the prayer for bail of the petitioner and submits that the victim 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 kidnapped her and she has not stated anything about the sexual assault. He further submits that the medical report also does not support the allegation as alleged in the F.I.R.

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 Additional District & Sessions Judge VII cum Special Judge, POCSO, District – West Champaran at Bettiah in connection with Shikarpur P.S. Case No. 435 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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