

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70909 of 2023

Arising Out of PS. Case No.-110 Year-2021 Thana- GWALPARA District- Madhepura

Sanjeet Kumar @ Sajeet Kumar, Son Of Jamun Ram Resident Of Village -
Majhua, Ward No.5, P.S. - Gwalpara, District - Madhepura

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Lalan Mukhiya, Son Of Gango Mukhiya Resident Of Village - Majhua,
Ward No.5, P.S. - Gwalpara, District - Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Gwalpara P.S. Case No. 110 of 2021, lodged on 12.07.2021
under Sections 363, 366(A), 34 of the Indian Penal Code and
under section 8 of the POCSO Act.

3. As per the prosecution case, the FIR has been
lodged against 4 named accused persons including the present
petitioner and with an allegation that they have kidnapped
the nephew of the informant with a view to marry.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He also



submits that the alleged victim has been recovered and narrated her statement under section 164 Cr.P.C before the Magistrate and in the said statement, the victim has not made any adverse comment against the petitioner. Counsel for the petitioner further submits that the antecedent of the petitioner is clean and he is in custody since 04.08.2022.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that from the rejection order dated 03.04.2023 passed in B.P. No. 44 of 2023, it transpires that the statement of the victim recorded under section 164 Cr.P.C., the victim denied the allegation of story of kidnapping and abduction.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum- Spl. Judge POCSO, Madhepura in connection with Gwalpara P.S. Case No. 110 of 2021, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his
bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial Court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of his bail
bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned
police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidence,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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