

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73215 of 2022

Arising Out of PS. Case No.-298 Year-2022 Thana- RAMGARHWA District- East
Champaran

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Jitendra Kumar Son of Sri Dharmendra Patel R/v- Bairiya, P.S.- Ramgarhwa,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
02.09.2022, in connection with Ramgarhwa P.S. Case No. 298
of 2022, F.I.R. dated 31.08.2022 registered for the offences
punishable under Sections 366A/34 of the Indian Penal Code
and Section 8 of the POCSO Act.

The prosecution case, in short, is that on 28.08.2022
at about 09:00 P.M. accused person namely Jitendra Kumar is
alleged to have kidnapped the minor daughter of the informant
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 in fact the petitioner was in love with the victim and they have performed the marriage on 30.08.2022 at Durga Bag Mandir, Bettiah. He further submits that the victim girl was recovered and the statement of the victim girl was recorded under Section 164 of the Cr. P.C. in which she also supported the contention of the petitioner and also stated that they have performed the marriage on 30.08.2022 and the victim has not stated anything about the sexual assault against the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 02.09.2022.

Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, 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 7th Additional District & Sessions Judge-cum-Special Judge POCSO Act, East Champaran, Motihari in connection with Ramgarhwa P.S. Case No. 298 of 2022, with 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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