

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72261 of 2022

Arising Out of PS. Case No.-92 Year-2022 Thana- SIWAIPATTI District- Muzaffarpur

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Kundan Kumar Son of Binod Ram Resident of Mohalla- Siwaipatti, P.S-
Siwaipatti, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-05-2023 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
02.07.2022 in connection with Siwaipatti P.S. Case No. 92 of
2022, F.I.R. dated 03.06.2022 for the offences punishable under
Section 366(A) of the Indian Penal Code and Section 4/8 of
POCSO Act.

According to prosecution case, the petitioner along
with other accused persons came at the house of the informant
and forcibly kidnapped her daughter for the purpose of
marriage.

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 allegation as alleged in the F.I.R. is false and fabricated and in fact, the petitioner was in love with the victim and the victim has performed the marriage with him.

Learned counsel for the petitioner further 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 not abducted her and she has performed the marriage with the petitioner on 25.05.2022. He further submits that at the time of recording of the 164 statement, she also stated that she was pregnant and she has refused for her medical examination. The petitioner is in custody since 02.07.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Sessions Judge- VI cum Special Judge, POCSO Act Muzaffarpur in connection with Siwaipatti P.S. Case No. 92 of 2022, subject to the following conditions:-



1. One of the bailor shall be the victim, namely,
Shaista Khatoon.

2. 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.

3. 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.

4. 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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