

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71721 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- Chhauradano District- East Champaran

ABHISHEK KUMAR @ ABHISHEK RAY S/O BEDAMI RAY Resident of
village- Kudarkat, P.S.- Chhauradano, District- East Champaran at Motihar.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 03-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
16.10.2022 in connection with Chhauradano P.S. Case No.295
of 2021, F.I.R. dated 13.11.2021 for the offences punishable
under Sections 366(A), 341, 323, 504 and 34 of the Indian Penal
Code and Section 8 of the POCSO Act.

According to prosecution case, as per F.I.R. the
informant alleges that on 12.11.2021, at about 06.00 P.M., while
his daughter was arranging the bed, two motorcycle borne
accused persons, came to his door and abducted his daughter. It
is next alleged that when his wife rushed to rescue, the accused
persons had already taken away her daughter and they were
heading towards the Nahar, where two other accused persons
were waiting for them. The informant further alleged that this



petitioner along with co-accused Ramkarn Sah, has kidnapped his daughter for the purposes of marriage, and when the matter was brought to the notice of their parents, they resorted to assault and abuses.

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 in fact the victim was in love and they have performed the marriage on 26.11.2021. He further submits that at the time of the occurrence the victim was major and her date of birth was 01.04.2002 so no case is made out under the POCSO Act. He further submits that after the marriage the victim disclosed her unwillingness to their conjugal life and finally fled away to Nepal and solemnized her second marriage. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 16.10.2022.

The learned Additional Public Prosecutor for the State 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-VII-cum-Special Judge, POCSO Act, East
Champaran at Motihari in connection with Chhauradano P.S.
Case No.295 of 2021, 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)

mdrashid/-

U		T	
---	--	---	--

