

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71261 of 2022

Arising Out of PS. Case No.-593 Year-2022 Thana- TEKARI District- Gaya

SHIV KUMAR Son of Phulchand Manjhi Resident of Gram Bishunganj,
P.O.- Repa Fatehpur, P.S.- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arya Achint, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 11-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 16.09.2022, in connection with Tekari (Panchanpur O.P.) P.S. Case No. 593 of 2022, F.I.R. dated 15.09.2022 registered for the offences punishable under Sections 366(A)/34 of the Indian Penal Code and Section 8 of the POCSO Act.

Allegation against the petitioner is that he along with the other accused persons have kidnapped the minor daughter of the informant.

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 from a bare perusal of the F.I.R. it appears that the alleged date of



occurrence in the F.I.R. is 11.09.2022 but the present F.I.R. was instituted on 15.09.2022 afterthought only to falsely implicated the petitioner in the present case. He further submits that in fact the victim was in love with co-accused person namely Dipul who happens to be the friend of the petitioner and as per allegation in the F.I.R. the petitioner was also accompanied with co-accused and the victim. He further submits that except the aforesaid, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present case and only the petitioner is the friend of co-accused he has been falsely implicated in the present case and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 16.09.2022.

The learned Additional Public Prosecutor for the State, on the basis of material available on record as well as case diary has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner was also involved in the present crime in question. He further submits that the trial has begun and out of 05 (five) chargesheeted witnesses, 03 (three) witnesses have already been examined.

Considering the 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 Special Judge POCSO, Gaya in connection with Tekari (Panchanpur O.P.) P.S. Case No. 593 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 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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