

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72665 of 2022

Arising Out of PS. Case No.-111 Year-2022 Thana- HARSIDHI District- East Champaran

Deepak Patel S/o Awadh Kishore Patel R/o village- Dhavahi, P.S.- Harsidhi,
Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 15.09.2022, in connection with Harsidhi P.S. Case No. 111 of 2022, F.I.R. dated 11.03.2022 registered for the offences punishable under Sections 363, 366A, 34 of the Indian Penal Code and Section 8/12 of the POCSO Act.

The prosecution case, in short, is that on 13.02.2022 at about 06:00 P.M. accused persons including the petitioner are alleged to 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 the allegation as alleged in the F.I.R. is false and fabricated and the



petitioner has not committed any offence as alleged in the F.I.R. and 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 has not supported the case of the prosecution and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 15.09.2022.

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 6th Additional Sessions Judge-cum-Special Judge POCSO, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 111 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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