

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74458 of 2022**

Arising Out of PS. Case No.-42 Year-2022 Thana- PARASBIGHA District- Jehanabad

JITENDRA KUMAR SON OF BAIJU RAM R/O VILLAGE-
PANDITBIGHA, P.S.- PARASBIGHA, DISTRICT- JEHANABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 25476 of 2023

Arising Out of PS. Case No.-42 Year-2022 Thana- PARASBIGHA District- Jehanabad

GAJENDRA KUMAR SON OF BIJU RAM @ BAIJU RAM Resident of
village - Pandit Bigha, P.S. - Parabigha, Distt. - Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 74458 of 2022)

For the Petitioner/s : Mr. Raj Kumar, Adv.

For the Opposite Party/s : Mrs. Meena Singh

(In CRIMINAL MISCELLANEOUS No. 25476 of 2023)

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 06-07-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
01.09.2022 & 19.01.2023 respectively in connection with
Parasbigha P.S. Case No.42/2022 registered for the offences
punishable under Sections 363, 366(A), 506, 34 of the I.P.C &



Section 8 of POCSO Act.

According to prosecution case, the petitioners are alleged to have abducted the minor daughter of the informant while she went to market to attend coaching class. The informant has full faith that the accused persons due to previous enmity kidnapped her minor daughter.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case merely on the basis of suspicion. 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. Learned counsel for the petitioner no. 1 submits that the petitioner no.1 is not named in the F.I.R. The name of the petitioner no.1 has been transpired during investigation on the basis of statement of the victim recorded under Section 164 of the Cr.P.C. He further submits that from bare perusal of the statement of the victim recorded under Section 164 Cr.P.C., in which she has categorically stated that the petitioners have not committed any offence. The petitioners have taken away the victim and co-accused, namely, Dhananjay Kumar has left the victim near the police station. He further submits that the police after investigation submitted the charge sheet against the



petitioners and the petitioners are in custody since 01.09.2022 and 19.01.2023 respectively.

Learned Additional Public Prosecutor for the State on the other hand opposed the prayer for bail of the petitioners on the ground that the petitioner no.1 and petitioner no.2 have carried one criminal antecedent each other than the present one.

Considering the aforesaid facts and statement of the victim recorded under Section 164 Cr.P.C., let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge (POCSO Act), Jehanabad in connection with Parasbigha P.S. Case No.42/2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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