

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21 of 2023

Arising Out of PS. Case No.-115 Year-2022 Thana- GAUNAHA District- West Champaran

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Guddu Kumar Son of Dashrath Sah @ Dinesh Sah Permanent Resident of Village- Balua Goithahi, P.S.- Matiyariya, District- West Champaran, at present residing at Village- Shofwa, P.S.- Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 13-12-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Gaunaha P.S. Case No.115 of 2022 registered for the offences punishable under Sections 366(A)/34 of the Indian Penal Code and Section 8 of the POCSO Act. The petitioner has got no criminal antecedent.

3. As per the prosecution story, the allegation against the petitioner is that he had kidnapped the minor daughter of the informant.

4. Learned counsel for the petitioner submits that in the present case the FIR has been lodged ten days after the alleged occurrence on the basis of hearsay version.

5. It is further submitted that the allegation made in the FIR has not been supported by the victim girl in her statement made before the police under Section 161 Cr.P.C.

6. Learned A.P.P. for the State has, after going through the case diary, confirmed that in the case diary no independent material has come against the petitioner and the victim girl has not supported the prosecution case. She has stated that she had herself gone to her Mausi's place because of the conduct of her mother.

7. Having regard to the facts and circumstances of the case, the fact that the victim girl has come back and she has not supported the prosecution case and according to her she had left her house on her own will because she was scolded by her mother, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VII-cum-Special Judge-POCSO, Bettiah, West Champaran in connection with Gaunaha P.S. Case No. 115 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. 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.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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