

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5376 of 2023

Arising Out of PS. Case No.-130 Year-2022 Thana- KUNDWACHAINPUR District- East
Champaran

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CHUNNU KUMAR @ JAMUN MANJHI S/o Ramashish Manjhi R/o
Village- Mesaudha,P.S.- Kundwa Chainpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Adv.

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-07-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Chainpur P.S. Case No. 130 of 2022 registered for the offence

under Sections 363 and 366(A) of the Indian Penal Code and

Section 8 of the POCSO Act.

The petitioner is alleged to have enticed away the

daughter of the informant.

Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is

innocent and has falsely been implicated in this 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. He further submits that in fact, the petitioner was having love affairs with the victim and both of them have performed marriage at Dhaka. He further submits that the victim has been recovered and her statement was recorded under Section 164 Cr.P.C. in which she has admitted that she has performed marriage with the petitioner and she wants to reside with her husband-petitioner as wife. Therefore, no case under Section 366(A) of the Indian Penal Code is made out against the petitioner. The petitioner is rotting in judicial custody since 18.07.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned 6th Additional Sessions Judge- cum- Special Judge, POCSO, Motihari, East Champaran in connection with Kundwa Chainpur P.S. Case No. 130 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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) One of the bailors shall be the victim of this case namely, Asha Kumari.

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)

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