

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3613 of 2023

Arising Out of PS. Case No.-238 Year-2022 Thana- KURTHA District- Jehanabad

LAV KUSH KUMAR S/o Sudama Mahto R/v- Parshurampur, P.S.- Khiri
More, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kamlesh Kumar, Adv.
		Mr. Pawan Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
17.08.2022 in connection with Kurtha P.S. Case No.238/2022,
F.I.R. dated 03.08.2022, for the offences punishable under
Sections 366(A)/34 of the IPC & Section 8 of POCSO Act.
Later on, Sections 366 and 376 of the IPC were added.

According to prosecution case, the petitioner is alleged
to have abducted the sister of the informant and thereafter
committed rape upon her.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that in fact the



petitioner and victim was in love and it appears from the F.I.R that the date of alleged occurrence is 20.07.2022 but the present F.I.R. has been instituted on 03.08.2022, after delay of 13 days without giving any explanation of delay and the petitioner and the victim have performed the marriage 19.07.2022 in Patna Hanuman Mandir. He further submits that the victim was recovered and her statement was recorded under Section 164 Cr.P.C., in which, she has categorically stated that she has performed the marriage with the petitioner and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 17.08.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Additional Sessions Judge-VI-cum-Special Judge (POCSO) Act, Jehanabad in connection with Kurtha P.S. Case No.238/2022, 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 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 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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