

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1435 of 2023

Arising Out of PS. Case No.-543 Year-2019 Thana- GAYA KOTWALI District- Gaya

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BABAR KHAN Son of Md. Raju Khan @ Md. Anwar Resident of Village -
Iqbal Nagar, P.S.- Kotwali, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 28-06-2023

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Gaya Kotwali P.S. Case no. 543 of 2019 registered under section 366A of the Indian Penal Code.

3. As per the prosecution case, the minor daughter of the informant was kidnapped by the petitioner for the purpose of marriage.

4. Learned counsel for the petitioner submits that the earlier application for bail of the petitioner was rejected vide order dated 28.2.2022 (Annexure-1) passed in Cr. Misc. no. 44982 of 2021. It was a case of love affair between the parties,



the daughter of the informant being over 19 years of age. It is submitted that the deposition of the informant (father of victim) was recorded in course of trial and the same has been brought on record as Annexure-4 to the supplementary affidavit. He has not supported the prosecution case and has been declared hostile. The petitioner is in custody since 12.3.2021 and undertakes to cooperate in the trial.

5. Heard learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations, contents of the deposition of the informant and the petitioner having remained in custody since 12.3.2021, the petitioner is directed to be enlarged on bail in connection with Gaya Kotwali P.S. Case no. 543 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge POCSO Court – cum – A.D.J. VI, Gaya on the following conditions:

(I) The petitioner shall remain physically present in court on each date of the trial, and,

(II) In case the petitioner remains absent on any date for reasons not to the satisfaction of the learned trial court or in case the petitioner does not cooperate in the trial, the learned



trial court may cancel the bail bond of the petitioner and take
him into custody till conclusion of the trial.

(Partha Sarthy, J)

Spd/-

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