

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10097 of 2024

Arising Out of PS. Case No.-793 Year-2022 Thana- MAHUA District- Vaishali

Sunny Kumar S/o- Phaguni Ram Village- Singhara Buzurg Ps- Mahua Dist-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-02-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Mahua P.S. Case No. 793/2022 instituted under Sections 363/366(A)/34 of the Indian Penal Code and section 8 of POCSO Act lodged on 16.12.2022 by the informant, Dulari Devi.

3. As per the prosecution story, the informant has alleged that she had gone to irrigate the field and upon return, she did not find her daughter. Later, came to know that the petitioner along with one Manoj Das have taken her away. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he is cousin brother of the girl, she was in affair with the Manoj Das, they voluntarily left the place and only because he was in



talking term with Manoj Das, implicated.

5. Learned APP opposes the prayer for anticipatory bail.

6. Taking into account the material on record as also that Manoj Das has subsequently married the girl, the petitioner is cousin of the girl, FIR lodged, ultimately will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Mahua P.S. Case No. 793/2022 to the satisfaction of learned A.C.J.M.-VI, Vaishali at Hajipur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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