

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14590 of 2024

Arising Out of PS. Case No.-716 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Birju Prasad @ Birju Kumar S/o Bindeswari Prasad R/o vill - Godhwa, P.S. -
Muffasil, Motihari, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Shankar Shrivastava, Advocate
For the Informant	:	Mr. Dhurendra Kumar, Advocate
For the State	:	Dr. Mrityunjaya Kr. Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mr. Vijay Shankar Shrivastava, learned counsel
for the petitioner, Mr. Dhurendra Kumar, learned counsel
appearing on behalf of the Informant and Dr. Mrityunjaya Kr.
Gautam, learned APP for the State.

2. The petitioner is apprehending his arrest
connection with Muffasil P.S. Case No. 716 of 2023, F.I.R. dated
11.10.2023 registered for the offences punishable under Sections
363, 366(A), 120 (B) of the Indian Penal Code and Section 8 of
the POCSO Act.

3. Allegation against the petitioner is that he along
with other co-accused kidnapped the minor daughter of the
informant for the purpose of marriage.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that in fact the victim was in love with the brother of the petitioner namely Chotu Kumar @ Chote Kumar and petitioner has no concern at all with the present occurrence. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation against the petitioner rather there is general and omnibus allegation against the petitioner and petitioner is living separately from his brother and he has no concern at all with the family affairs of the petitioner.

5. Learned counsel for the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is named in the F.I.R. and he is brother of co-accused person namely Chotu Kumar @ Chote Kumar.

6. Considering the aforesaid facts that the petitioner having clean antecedent and he has been made accused accused merely on the ground that he is brother of co-accused namely Chotu Kumar @ Chote Kumar, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge POCSO Act, East Champaran at Motihari in connection with



Muffasil P.S. Case No. 716 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 witness, 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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