

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13674 of 2024

Arising Out of PS. Case No.-634 Year-2023 Thana- DHAKA District- East Champaran

Shambhu Ray SON OF Ram Bahadur Ray @ Jangbahadur Rai Village-
Dharharwa, Police Station- Chiraiya, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-03-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Dhaka P.S. Case No. 634 of 2023 for the offence under Sections 363, 366(A) and 34 of the I.P.C. and Section 8 of the POCSO Act, lodged on 24.11.2023 by the informant, Ajay Kumar.

3. As per the prosecution story, the informant has alleged that his daughter went for coaching but failed to return. Accordingly, the FIR. Subsequently, the girl returned and gave statement that Nageshwar and Bullet dragged her to the motorcycle and took her away. She has also alleged the complicity of this petitioner.

4. Learned counsel for the petitioner submits that her statement clearly shows that the allegation is on Nageshwar and



Bullet, though his complicity has been shown, no overt act has been alleged against him, he do not have criminal antecedent.

5. Learned APP opposes the prayer.

6. Taking into account the fact that the allegation is on one Nageshwar and Bullet, the petitioner is uncle of Nageshwar, although the name is their, his role has not been elaborated and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran at Motihari in connection with Dhaka P.S. Case No. 634 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 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;

(iv) 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.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

U		T	
---	--	---	--

