

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16409 of 2024

Arising Out of PS. Case No.-141 Year-2023 Thana- DUMARIAGHAT District- East
Champaran

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Golu Thakur @ Golu Kumar son of Krishna Thakur Village- Ghoghraha
Bairiya Ps- Harsidhi Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-04-2024 Heard Mr. Rajesh Kumar, learned counsel for the
petitioner and Mr. Tapeswar Sharma, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Dumariyaghat P.S. Case No. 141 of 2023, F.I.R. dated 19.05.2023 registered for the offences punishable under Sections 366(A)/34 of the Indian Penal Code and Sections 4, 8 of the POCSO Act.

3. Allegation against the petitioner is that he along with other co-accused persons 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



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. Learned counsel for the petitioner further submits that the statement of the victim was recorded under section 164 of the Cr. P.C. in which she has not supported the case of the prosecution.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts that the petitioner having clean antecedent and the victim has not supported the case of the prosecution in her 164 statement, 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 7th Additional Sessions Judge cum Special Judge, POCSO Act, East Champaran, Motihari in connection with Dumariyaghat P.S. Case No. 141 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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