

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17299 of 2024

Arising Out of PS. Case No.-121 Year-2022 Thana- SHEOHAR District- Sheohar

Mani Shankar Kumar @ Ravi Kumar Son Of Sri Singh @ Shree Narayan
Singh Resident Of Village-Nankap Simardab, Ward No. 11, P.S.-Suppi,
District-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Sheohar P.S. Case No.121 of 2022 (POCSO Case No.1 of
2024), lodged on 10.04.2022, under Sections 363/366A of the
Indian Penal Code. After investigation charge sheet has been
submitted under Sections 363/366A/376 of the Indian Penal
Code, under Section 9/10 of the Child Marriage Act as well as
under Section 4 of the POCSO Act.

3. As per the prosecution, FIR has been lodged against
three named accused persons including the present petitioner
against whom there is an allegation of kidnapping with a view
to marry with the informant's daughter.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the victim has been recovered and in her statement under Section 161 and 164 of the Cr.P.C. she has not disclosed anything against the present petitioner; rather she stated that with agreement both were eloped with a view to marry and they also entered into marriage. Counsel submits that the bail application of the petitioner was rejected by the Court-below considering the age of the victim. Petitioner is in custody since 02.11.2023 having no criminal antecedent.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge (POCSO) Act, Sheohar, in connection with Sheohar P.S. Case No.121 of 2022 (POCSO Act Case No.1 of 2024), subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:



(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his 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 bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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 the bail bonds.

(Dr. Anshuman, J)

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