

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23627 of 2024

Arising Out of PS. Case No.-320 Year-2023 Thana- BARUN District- Aurangabad

Manish Kumar S/o Awadhesh Mahto @ Awadhesh Mehta, R/o village -
Hetampura, P.S. - Barun, Distt - Aurangabad (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2024 Heard Mr. Shailesh Kumar Singh, the learned
counsel for the petitioner and Mr. Ram Anurag Singh, the learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
23.08.2023, in connection with Barun P.S. Case No. 320 of 2023,
FIR dated 11.07.2023, registered for the offence punishable under
Section 366(A) of the Indian Penal Code.

3. According to the prosecution case, the daughter of
the informant/complainant disappeared from his house and during
the course of search it came to informant's/complainant's
knowledge that she was seen with one Manish Kumar. It is further
alleged that the informant/complainant suspects that Manish
Kumar has kidnapped her daughter.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. The



informant/complainant has filed two FIRs for one set of occurrence against the petitioner; first is the Barun P.S. Case No. 113 of 2023, and second is Barun P.S. Case No. 320 of 2023 (present case). He further submits that from perusal of the FIRs, it appears that the allegations levelled are same in both the FIRs and in the Barun P.S. Case No. 113 of 2023, the petitioner has been granted regular bail by a co-ordinate Bench of this Court vide order dated 31.01.2024, passed in Cr. Misc. No. 613 of 2024. Apart from that, the victim, in her statement recorded under Section 164 of the Cr.P.C., has not supported the case of the prosecution. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 23.08.2023.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries one criminal antecedent other than the present one, however, he fairly admits that petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Exclusive Special Judge



POCSO Act, Aurangabad (Bihar), in connection with **Barun P.S.**
Case No. 320 of 2023, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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