

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20811 of 2024

Arising Out of PS. Case No.-286 Year-2023 Thana- TRIVENIGANJ District- Supaul

Ajit Kumar Sah @ Ajeet Kumar Son of Arjun Sah Resident of Village/Mohalla-Kusha-Machha, Ward No. 08, P.S.-Tribeniganj, District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suman Kumar Jha, Advocate

For the Opposite Party/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard Mr. Suman Kumar Jha, learned counsel for the petitioner and Mr. Binay Krishna, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Triveniganj P.S. Case No. 286 of 2023, F.I.R. dated 12.07.2023 registered for the offences punishable under Sections 363, 370, 368 and 34 of the Indian Penal Code, Sections 8 & 17 of the POCSO Act and Sections 3(2)(vi) of SC/St (POA) Act.

3. Allegation against the petitioner is that he along with other co-accused persons have abducted the informant's minor daughter for illicit purpose.

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 the 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. He further submits that the victim was recovered and her statement was recorded under Section 161 and 164 of the Cr. P.C. in which she has not supported the case of the prosecution and apart from that co-accused persons namely Arjun Sah and Sunita Devi have been granted the privilege of anticipatory bail vide order dated 18.01.2024 passed in Cr. Misc. No. 85193 of 2023.

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 as well as co-accused persons have been granted the privilege of anticipatory bail, 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 A.D.J. VI-cum-Special Judge POCSO, Supaul in connection with Triveniganj P.S. Case No. 286 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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