

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20404 of 2024

Arising Out of PS. Case No.-21 Year-2017 Thana- DHIBRA District- Aurangabad

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AWADHESH BHUIYAN @ AWADHESH RAM S/O- BIREN BHUIYAN
R/O- VILLAGE- LILJEE P.S.- DHIBRA, DIST.- AURANGABAD.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey

For the Opposite Party/s : Mr.Satyendra Narayan Singh

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 07-08-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with G.R. (POCSO) Case No. 05 of 2023/ CIS No. 03.2023 arising out of Dhibra P.S. Case No. 21 of 2017 dated 07.12.2017 registered for the offence/s punishable u/s 366A read with section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have kidnapped the minor daughter of the informant for the purpose of marriage.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case. It is further submitted that there was love affair between the petitioner and the victim. The victim in her statement recorded u/s 164 of the Cr.P.C. has stated that she voluntarily went with the petitioner. The victim was not forced or seduced to have illicit relationship with another person. It is further submitted that the petitioner has already been granted bail by the co-ordinate Bench of this court vide order dated 22.03.2018 passed in Cr. Misc. No. 16234 of 2018 but due to the absence of the petitioner at the time of the deposition, the bail bond was cancelled. It is further submitted that the petitioner will be physically present in the court in future and co-operate the trial. It is a first misuse of privilege of bail granted by the Hon'ble court. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 06.02.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and stated that the victim is a minor girl.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned Court concerned, Aurangabad, Bihar in connection with G.R. (POCSO) Case No. 05 of 2023/ CIS No. 03.2023 arising out of Dhibra P.S. Case No. 21 of 2017, with the condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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