

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26066 of 2024

Arising Out of PS. Case No.-111 Year-2023 Thana- NAWANAGAR District- Buxar

Rohit Kumar S/o Shri Kant Mahto @ Munim Mahto, R/o Village- Sheopur,
P.S.- Nawanagar, District- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Dr. Kamal Deo Sharma, Advocate
For the Opposite Party : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-04-2024 Heard Dr. Kamal Deo Sharma, the learned counsel
for the petitioner and Mr. Anil Kumar, the learned Additional
Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
08.06.2023 in connection with Nawanagar P.S. Case No. 111 of
2023, FIR dated 14.04.2023, registered for the offences punishable
under Section 366(A) read with Section 34 of the Indian Penal
Code and under Section 12 of the POCSO Act.

3. Earlier the petitioner has moved before this Hon'ble
Court in Cr. Misc. No. 54210 of 2023, which was rejected vide
order dated 04.09.2023.

4. According to the prosecution case, the informant's
daughter was kidnapped by one Rohit Kumar and his family
members, who are absconding from the village.

5. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that it appears from the FIR itself that the date of occurrence as alleged in the FIR is 04.03.2023, but the present FIR is instituted on 14.04.2023, after a delay of about forty days without giving any explanation of delay. He further submits that trial has begun and the statement of victim was recorded on 02.11.2023 in which she has firmly stated that she has performed marriage with the petitioner and on the date of marriage victim was major and at present she is residing at the house of the petitioner along with their his family members. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 08.06.2023.

6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

7. 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-Special Court, POCSO Act, Buxar, in connection with **Nawanagar P.S. Case No. 111 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 trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the 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 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 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.

(iv) One of the bailors should be the victim namely, Guddi Kumari.

(Rajesh Kumar Verma, J)

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