

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24793 of 2024

Arising Out of PS. Case No.-337 Year-2023 Thana- ROSHANGANJ District- Gaya

Gulshan Kumar son of Charan Paswan @ Devendra Paswan R/o Vill- Bechu
Bigha Ps- Raushanganj Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bablu Kumar, Son of Shyamdev Prasad, R/o Village-Tandwa, P.S.-Banke
Bazar, District-Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Digvijay Kumar Ojha, Advocate
For the Opposite Party/s	:	Mr.Madhura Nand Jha, APP
For the Informant	:	Mr. Ajay Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2024 Heard Mr.Digvijay Kumar Ojha, learned counsel for
the petitioner, Mr. Ajay Kumar Sinha, learned counsel for the
informant and Mr.Madhura Nand Jha, learned A.P.P. for the
State.

2. The petitioner seeks bail, who is in custody since
22.12.2023 in connection with Raushanganj Banke Bazar P.S.
Case No. 337 of 2023, F.I.R. dated 18.12.2023 registered for the
offence punishable under Section 366A of IPC and Sections 4
and 6 of POCSO Act.

3. The minor daughter of the informant is alleged to
have been kidnapped by the petitioner.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has



falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. In fact the petitioner was in love with the victim girl and victim was recovered and her statement was recorded under Section 164 Cr.P.C. in which she has categorically stated that she was in love with the petitioner and victim has performed the marriage with the petitioner and apart from that, the date of birth of the victim as mentioned in the case diary as 06.02.2004 which suggests that on the date of occurrence the victim was major and even in her medical examination she has been found to be major and the petitioner is in custody since 22.12.2023.

5. Learned counsel for the informant and learned APP for the State have opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact as well as statement of the victim under Section 164 Cr.PC., let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge POCSO-cum-Additional Sessions Judge-VII, Gaya in connection with Raushanganj Banke Bazar P.S. Case No. 337 of 2023, with the following conditions:-



(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(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 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)

Nitesh/-

U		T	
---	--	---	--

