

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35204 of 2024

Arising Out of PS. Case No.-510 Year-2023 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Gauri Kumar @ Gauri Shankar @ Gorab Kumar @ Gaurav Kumar @ Gouri
Kumar S/o Ram Ratan Das R/o vill - Kolwara, P.S. - Parbatta, Distt.-
Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioner, informant
and learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Kotwali (Barari) P.S. Case No. 510 of 2023 registered
under Sections 366(A) and 120B of the Indian Penal Code and
Section 8 of the POCSO Act lodged on 28.02.2023 by the
informant, Saheb Das.

3. As per the prosecution story, the informant alleged
that his daughter had come to the house of relative on
26.05.2023 and later gone to market buying articles whereafter
she disappeared by the petitioner along with his family
members. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the



victim girl was recovered and made a statement under Section 164 of the Cr.P.C which would clearly show that she left the home as her parents tried to kill. She went to her friend's home and remained there for four months and then returned. She was not kidnapped by anyone.

5. Though learned counsel for the informant tried to oppose the prayer, taking into account the statement of the victim girl that it was due to threat of the parents she left the home and the petitioner has no role to play in the matter, this Court is inclined to extend him the privilege of bail.

6. Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J. 6th cum Special Judge cum POCSO Court, Bhagalpur in connection with Kotwali (Barari) P.S. Case No. 510 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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