

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37079 of 2024

Arising Out of PS. Case No.-181 Year-2021 Thana- GAURICHAK District- Patna

Amit Kumar Son of Mr. Suman Singh Resident of village - Daulatpur, Gandhi
tola, P.S.- Gaurichak, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mrs. Vaishnavi Singh, Advocate
	:	Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-09-2024 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and Mr. Bhanu Pratap Singh, learned A.P.P. for the
State.

2. The petitioner seeks bail, who is in custody since
18.01.2024 in connection with Gaurichak P.S. Case No. 181 of
2021, FIR dated 11.05.2021 registered for the offence under
Sections 363, 366(A) of the Indian Penal Code in which charge-
sheet has been submitted under Sections 363, 366(A), 376 and
34 of the Indian Penal Code and Sections 4, 6 of the POCSO
Act.

3. As per the prosecution case, the petitioner has
kidnapped the daughter of the informant.

4. Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, is innocent and he has falsely been implicated in this case. He further submits that although there is specific allegation against the petitioner that he has kidnapped the daughter of the informant and even the victim has supported the case of the prosecution in her statement recorded under Sections 161 Cr.P.C. and 164 Cr.P.C. He further submits that now the trial has begun and witnesses have been examined and victim (PW-1) has also been examined on 22.05.2024 who happens to be victim, has not supported the case of the prosecution, PW-2, who is the informant of the present case has become hostile. The petitioner is rotting in judicial custody since 18.01.2024.

5. Learned A.P.P. for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, let the, above named, petitioner 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 Additional District and Sessions Judge-VII-cum-Special Judge, POCSO, Patna in connection with Gaurichak P.S. Case No. 181 of 2021 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 canceled 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.

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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