

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40277 of 2024

Arising Out of PS. Case No.-98 Year-2023 Thana- KAJRAILI District- Bhagalpur

Shyam Kumar S/O Jhagir Mandal R/O Simarya Kumrath Chai Tola, P.S-
Kajraili, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kapildeo Mandal S/O Kailash Mandal R/V- Kumrath Chai Tola, P.S-
Kajraili, Distt. - Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s	:	Mr. Suresh Prasad Singh, APP
For the Informant	:	Mr. Ashok Kumar No.6, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-09-2024 Heard Mr. Rajive Ranjan Singh, learned counsel for

the petitioner, Mr. Ashok Kumar No.6 learned counsel for the

informant and Mr. Suresh Prasad Singh, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
22.02.2024, in connection with Kajraili P.S. Case No. 98/2023,
and POCSO Case No. 292/2023, FIR dated 05.12.2023
registered for the offence under Sections 366A, 504, 506 and 34
of the Indian Penal Code and Section 4/8 of the POCSO Act.

3. As per the prosecution case, petitioner and other
co-accused persons have 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 the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the date of occurrence as alleged in the FIR is 02.12.2023 but the present FIR has been instituted on 05.12.2023 after a delay of three days without giving any explanation for the delay. He further submits that in fact the petitioner was in love with the victim and statement of the victim was recorded under Section 164 Cr.P.C. in which she has not supported the case of the prosecution apart from that she has categorically stated that she has performed the marriage with the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 22.02.2024.

5. Learned counsel for the informant as well as learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the FIR apart from that there is direct and specific allegation against 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 & Sessions Judge 6th Cum Exclusive Special Judge, POCSO, Bhagalpur in connection with Kajraili P.S. Case No. 98 of 2023 and POCSO Case No. 292 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 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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