

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43165 of 2024

Arising Out of PS. Case No.-374 Year-2023 Thana- ADAPUR District- East Champaran

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1. Ankit Kumar Thakur S/o Krishna Thakur @Kishan Thakur @Kishun Thakur @Krishna Sharma R/o Village Sirisiya Mal, P.S. Nakardai, Distt-East Champaran, Motihari.
 2. Shanti Devi W/o Krishna Thakur @Kishun Thakur R/o Village Sirisiya Mal, P.S. Nakardai, Distt-East Champaran, Motihari.
 3. Krishna Thakur @Kishun Thakur @Kishan Thakur S/o Sadhu Thakur R/o Village Sirisiya Mal, P.S. Nakardai, Distt-East Champaran, Motihari.
 4. Nisha Kumari D/o Krishna Thakur @Kishan Thakur @Kishun Thakur @Krishna Sharma R/o Village Sirisiya Mal, P.S. Nakardai, Distt-East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bhola Ram S/o Late Ramchandra Ram R/o village- Sirisiya Mal Tola Mushavuru, P.S. Nakardi, Distt-East Champaran, Motihari

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-10-2024 Heard Mr. Rajesh Kumar, learned counsel for the

petitioners as well as Mr. Sadanand Paswan, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Aadapur P.S. Case No. 374 of 2023, F.I.R. dated 26.12.2023 for the offences punishable under Sections 363, 366A/34 of the Indian Penal Code, Sections 3(i)(r)(s) of the SC/ST Act and Section 8 of the POCSO Act.

3. According to prosecution case, all the F.I.R named accused persons have abducted the informant's daughter aged about 16 years.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that there is specific allegation against the petitioners in the F.I.R.

5. learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has not supported the case of the prosecution and even the victim has not named any of the petitioners in her statement.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of 7th Additional Sessions Judge-cum-Special Judge POCSO, East Champaran, Motihari in connection with Aadapur P.S. Case No. 374 of 2023, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

- i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.
- ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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