

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40987 of 2024

Arising Out of PS. Case No.-157 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

Mala Devi @ Nirmala Devi W/O- Lalan Paswan R/O- Village- Mohanpur,
P.S.- Goradiah, Dist.- Bhagalpur

... .. Petitioner/s

Versus

1. The State Of Bihar Patna
2. Hriday Paswan Son Of Late Shahdeo Paswan R/O- Village- Mohanpur, P.S.-
Goradiah, Distt.- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajive Ranjan Singh, Advocate
For the State	:	Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr. Rajive Ranjan Singh, learned counsel for
the petitioner and Mr. Anuj Kumar Shrivastava, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Jagdishpur (Goradiah) P.S. Case No. 157 of 2023, F.I.R. dated 05.04.2023 for the offences punishable under Sections 366(A), 34 and 120(B) of the Indian Penal Code and Section 8 of the POCSO Act.

3. According to prosecution case, the daughter of the informant is said to have kidnapped by one Nitish Kumar Paswan with the help of the petitioner.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been



implicated in the present case. He further submits that the petitioner is made accused only on the basis that she is sister of the petitioner. He further submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has not stated anything about the petitioner.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent and the statement of the victim was recorded under Section 164 Cr.P.C. in which she has not stated anything about the petitioner, let the petitioner, 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) with two sureties of the like amount each to the satisfaction of the learned A.D.J. 7th Cum Exclusive Special Judge, POCSO Court, Bhagalpur in connection with Jagdishpur (Goradiah) P.S. Case No. 157 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. 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 absence on two consecutive dates without sufficient reason, his 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)

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