

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43410 of 2024

Arising Out of PS. Case No.-12 Year-2023 Thana- PALI District- Jehanabad

Vijay Kumar Son of Sri Kamlesh Bind Village- Uttarserthu Ps- Pali, Distt-
Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Vinay Bind S/O Late Mahendra Bind R/V Uttarserthu,P.S.-Pali,Distt-
Jehanabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Vaishnavi Singh, Advocate
For the State	:	Mr. Jagdhar Prasad, APP
For the Informant	:	Mr. Uday Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 06-12-2024 Heard learned counsel for the petitioner, learned counsel for
the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with a case
registered for the offence punishable u/s 363, 366A of IPC in
which Sections 368, 370(A), 372, 373, 376, 379, 411, 34 of IPC
and 4/ 6/ 8/ 10 of POCSO Act were added.

3. As per allegation, petitioner along with other co-accused
persons have kidnapped the minor daughter of the informant.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence as
alleged in the FIR. No offence as alleged has ever taken place. The
allegation leveled against the petitioner is false and fabricated. It is
further submitted that in the entire case, there is no specific overt



act attributed against the petitioner. There is specific allegation against the co-accused Vijay Yadav. Informant and petitioner are co-villagers and informant is *chacha* and *mausa* of the petitioner and due to land dispute between them, petitioner has been falsely implicated in this case. Charges has been framed against the petitioner on 19.01.2024. The petitioner has no criminal antecedent and he is under custody since 03.11.2023.

5. Learned APP for the State and learned counsel for the informant opposed the prayer for bail.

6. Considering the facts and circumstances of this case, period of custody of the petitioner and the fact that charge has been framed against the petitioner and there is no allegation to alter the witness, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/the Successor Court, in connection with Pali P.S. Case No. 12 of 2023 with the following conditions:-

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will



inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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