

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 42884 of 2024

Arising Out of PS. Case No.-1132 Year-2019 Thana- NAWADA District- Nawada

Vikash Kumar S/O Indradeo Singh R/O Village Naromurar, P.S. Warisaliganj,
District Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Adv.
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-09-2024 Heard Mr. Pramod Kumar Verma, learned Advocate
for the petitioner and Mr. Manoj Kumar, learned APP for the
State.

2. The petitioner seeks regular bail, who is in custody
in connection with POCSO No. 25 of 2022, arising out of
Nawada P.S. Case No. 1132 of 2019 registered for the offence
punishable under Sections 366(A)/ 34 of the Indian Penal Code.

3. The prosecution case alleges that on 20.09.2019, all
the F.I.R. named accused persons including the petitioner, took
away the daughter of the informant for the purpose of
illegal/immoral activities.

4. Learned Advocate for the petitioner contended that
with regard to an occurrence of enticing away the victim, which
took place on 20.09.2019, the F.I.R. has been instituted on
25.09.2019 without any explanation for delay. It is further

contended that the entire case falsifies for the simple reason that during the trial of the POCSO Case No. 25 of 2022, the deposition of the victim was recorded by the learned trial court, wherein the victim has categorically deposed that she voluntarily left her house and solemnised marriage with co-accused Manish Kumar and started residing with him along with his family members in Gujarat. It is also stated that now the victim is blessed with a baby boy. Considering the aforesaid fact, some of the co-accused persons have been allowed with privilege of anticipatory bail. One Rajeev Kumar, who is also having similar allegation has been allowed bail by this Court in Cr. Misc. No. 61154 of 2023, a copy of which is produced before this Court. It is lastly contended that now the petitioner has been incarcerated since 07.02.2024 and the deposition of the victim has already been recorded in the trial.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the statement of the victim was recorded under Section 164 of the Cr.P.C., wherein she has made categorical averment that it is co-accused Manish Kumar and this petitioner, who have taken away her and thereafter, Manish Kumar has committed wrongful act with her.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that once the victim has not supported the statement recorded under Section 164 of Cr.P.C., the same lost its force. Moreover, other co-accused person having an identical allegation taking note of the deposition of the victim, has been granted bail by this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VIth, Nawada in connection with POCSO Case No. 25 of 2022 (arising out of Nawada P.S. Case No. 1132 of 2019, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be

cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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