

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44363 of 2024

Arising Out of PS. Case No.-315 Year-2022 Thana- MEHSI District- East Champaran

Md. Masoom @ Md. Masoom Raja Son Of Md. Shajmim Resident Of Vill-
Maruabad, P.S.- Mehsi, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shobha Devi Wife Of Vinod Paswan Resident Of Vill- Mohabbat Chhapra,
P.S.- Mehsi, District- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-12-2024 Heard Mr.Abhishek Kumar, learned counsel for
the petitioner and Mr.Usha Kumari 1, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Mehsi P.S. Case No.315 of 2022, dated
03.11.2022 registered for the offences punishable under
Sections 363,366(A) of IPC, Section 8 of the POCSO Act and
Sections 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act.

3. The prosecution case, in short, is that on
25.10.2022, accused persons including the petitioner are
alleged to have kidnapped the minor daughter (the victim) of
the informant aged about 15 years for the purpose of her



marriage.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 25.10.2022 to 30.10.2022 but the present FIR has been institution on 03.11.2022 after delay of eight days without giving any explanation of delay. Learned counsel for the petitioner submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has not supported the case of the prosecution which suggests that due to some family dispute she has suo motu gone to the house of the petitioner.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent and the victim has not supported the case of the prosecution in her statement under Section 164 Cr.P.C., let the petitioner, above named, in the event of his 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 learned 7th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran at Motihari in connection with Mehshi P.S. Case No.315 of 2022, 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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