

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45373 of 2024

Arising Out of PS. Case No.-92 Year-2023 Thana- PHULWARISHARIF District- Patna

Raja @ Raja Noniya Son of Motilal @ Motilal Mahto, Resident of Vill-
Sangat, P.S.- Phulwari Sharif, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2024 Heard Mr. Ghanshyam Tiwary, the learned counsel
for the petitioner and Mr. Bhanu Pratap, the learned Additional
Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
17.07.2023, in connection with Phulwari Sharif P.S. Case No.
92 of 2023, FIR dated 22.01.2023, registered for the offence
punishable under Section 366(A) of the Indian Penal Code.

3. According to the prosecution case, the minor
daughter of the informant is missing since 19.01.2023 and
informant suspects that one Raja (petitioner) has abducted her
daughter.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case and the
allegation levelled in the FIR is false and fabricated and the
petitioner is not committed any offence as alleged in the FIR.



He further submits that the victim, in her statement recorded under Section 164 of the Cr.P.C., has not supported the case of the prosecution and the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 17.07.2023.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner is named in the FIR. Apart from that, the petitioner carries one criminal antecedent other than the present, however, he fairly admits that petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and mainly the fact that the victim, in her statement recorded under Section 164 of the Cr.P.C., has not supported the case of the prosecution, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-VI-cum-Special Judge POCSO, Patna, in connection with Phulwari Sharif P.S. Case No. 92 of 2023, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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