

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56305 of 2024

Arising Out of PS. Case No.-210 Year-2023 Thana- PIPRAKOTHI District- East Champaran

Punit Kumar son of Jagranath Mahto @ Nathu Mahto R/o- Surujpur Bagha
Tola Po- Jiwdhara Ps- Piprakothi Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Achhelal Mahto son of Late Chandradeo Mahto Village- Suryapur Bagha
Tola Ps- Piprakothi Dist- East Champaran

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 18-11-2024 Heard the parties.

2. The petitioner is in custody in connection with
POCSO Trial No. 02 of 2024 arising out of Piprakothi P.S. Case
No. 210 of 2023 for the offence punishable under sections
366(A) and 34 of the Indian Penal Code and Section 8 of the
POCSO Act lodged on 15.09.2023.

3. As per the prosecution story, the informant alleged
that to withdraw the earlier Piprakothi P.S. Case No. 179 of
2020, the victim girl was kidnapped by this petitioner which led
to the present FIR.

4. Learned counsel for the petitioner submits that
admittedly, the case of the prosecution is that the victim girl was



kidnapped by the accused/petitioner on 10.05.2023 but the FIR was lodged four months later on 15.09.2023. There is nothing on record to clarify why such an inordinate delay was made despite the disappearance of the daughter. It is his further submission with the help of the different Annexures to show that on 29.05.2023, the victim girl preferred Maintenance Case No. 183 of 2023 before the learned Principal Judge, Family Court, West Champaran (Bettiah) claiming the petitioner to be her husband as also that she is major. The same resulted into a compromise petition on 05.06.2024.

5. He submits that charge-sheet is submitted, trial is continuing, he shall be diligently appearing in it, is in custody since 18.09.2023 (paragraph-13 of the petition) and it is his further submission that he shall in no way will have any truck with the informant and/or the victim girl/family members, failing which, the informant shall be free to take steps for the cancellation of his bail bond.

6. Learned counsel appearing on behalf of the informant on the other hand opposes the prayer submitting that the trial is on and the girl in her deposition has made statement against the accused persons.

7. The case has been lodged, charge-sheet submitted,



trial is going on, the inordinate delay has not been explained, in between, maintenance case is filed by the girl claiming herself to be the wife of the petitioner, is in custody since 18.09.2023 and an undertaking has been given that he shall be appearing before the trial Court on each and every date and failure to do so, the trial Court shall immediately take steps for cancellation of his bail bond, in that background, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Court of 6th Addl. Sessions Judge, POCSO Act, East Champaran at Motihari, in connection with POCSO Trial No. 02 of 2024 arising out of Piprakothi P.S. Case No. 210 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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