

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73935 of 2023**

Arising Out of PS. Case No.-119 Year-2023 Thana- BAIKUNTHPUR District- Gopalganj

Vishal Kumar Son Of Nailesh Kumar R/O Village- Dighwa, P.S.-  
Baikunthpur, Dist.- Gopalganj

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar Jha, Advocate

Ms. Meenakshi Priya, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

5      22-10-2024                      Heard learned counsel for the petitioner, Ms. Meenakshi Priya and learned APP for the State.

2. The petitioner is in judicial custody in connection with Baikunthpur P.S. Case No. 119 of 2023 for the offences punishable under Sections 363, 366(A)/34 of the Indian Penal Code and Section 8 of the POCSO Act arising out of POCSO Case No. 44 of 2023, lodged on 11.04.2023 by the informant, Dewanti Devi.

3. As per the prosecution story, the informant alleged that she got a call regarding missing of her minor daughter. Upon returning home, came to know that she has disappeared along with ornament and cash. She had suspicion regarding this petitioner. Accordingly, the F.I.R.

4. The girl returned and as per the medical report, her age is between 17-18 years, though, she narrated story about her



movement with the petitioner, it shows that she moved to Punjab and later to Delhi on her own.

5. Learned counsel for the petitioner submits that they were in relationship and went on their own but later, when the family members insisted, she backtracked which resulted into he being in custody for one year.

6. Learned APP opposes the prayer submitting that as per the F.I.R., the girl was minor and was taken away by the petitioner herein.

7. The petitioner is 21 years of age, has remained in custody since 21.04.2023 (para 10 of the petition), do not have criminal antecedent as undertaking by learned counsel for the petitioner and he will be diligently appearing in the trial, this Court is inclined to grant relief to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional A.D.J.-VI-cum-Special Judge (POCSO), Gopalganj in connection with Baikunthpur P.S. Case No. 119 of 2023 arising out of POCSO Case No. 44 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 bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court 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 in now 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;

(iv) 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.

9. Before parting, this Court would like to put on record its word of appreciation for Ms. Meenakshi Priya, learned counsel appearing on behalf of the petitioner for the assistance rendered in the matter.

**(Rajiv Roy, J)**

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