

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.836 of 2024

Arising Out of PS. Case No.-100 Year-2023 Thana- ITARHI District- Buxar

Mukteshwar Singh Son of Shivpujan Singh R/o vill - Indaur, P.O. - Indaur,
P.s. - Itarhi, Distt. - Buxar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-03-2024 Heard Mr. Rajeev Kumar Sinha, learned counsel
for the petitioner and Mr. Anil Kumar, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Itarhi P.S. Case No. 100 of 2023, F.I.R. dated 17.04.2023 for the offences punishable under Sections 365, 366A/34 of the Indian Penal Code and Section 08 of POCSO Act.

3. According to prosecution case, the son of the petitioner namely, Brij Bihari @ Mauwa enticed the daughter of the informant aged about 17 years and eloped with her.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that the



petitioner is the father of the co-accused, namely, Brij Bihari @ Mauwa and in fact, petitioner has no knowledge about the present occurrence. He further submits that the son of the petitioner was in love with the victim girl and the informant has filed the present F.I.R only to harass the petitioner.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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 the learned Additional District & Sessions Judge-VI-cum-Special Judge-POCSO Act, Buxar in connection with Itarhi P.S. Case No. 100 of 2023, 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 absence on two consecutive dates without sufficient



reason, his 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 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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