

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5472 of 2024

Arising Out of PS. Case No.-80 Year-2023 Thana- BALTHAR District- West Champaran

Shailesh Kumar Gond @ Shailesh Kumar S/O Sri Rajendra Sah @ Vijay Sah
Gond @ Vijay Sah R/O Village- Tumkadiya, P.S- Shikarpur, Distt.- West
Champaran.

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Vijay Paswan S/O Late Birendra Paswan R/O Village- Gauripur Bazaar, P.S-
Balthar, Distt.- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sagar Kumar
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-04-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Balthar P.S. FIR No. 80 of 2023 for the offence under sections 366A of the I.P.C. and Section 12 of the POCSO Act lodged on 15.09.2023 by the informant, Vijay Paswan.

3. As per the prosecution story, the informant alleged that the petitioner came to his house and took away his niece with an intention to marriage. Later, it transpired that he has been kept at Nepali Tola and informant went there and as did not found the victim girl, the F.I.R.

4. Learned counsel for the petitioner submits that the victim girl returned and her statement is quite contrary to the



allegation made in the F.I.R.

5. Taking into account the aforesaid fact that a coordinate Bench on 17.02.2024 had called for the case diary and the 164 Cr.P.C. statement of the victim girl.

6. The same is available on record and according to which, the victim girl upon return stated that she had gone to the place of the petitioner at Narkatiaganj where she stayed 10-15 days and when a panchayati took place, she returned. The further statement made by her is that Shailesh Kumar (petitioner) had no role to play in the matter.

7. Considering the aforesaid facts as also that the age of the victim girl has been stated to be 17 years, this petitioner is a young boy of 22 years, a student, he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VII-Cum-Special Judge, under POCSO Act, West Champaran at Bettiah, in connection with Balthar P.S. FIR No. 80 of 2023 subject to



the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member 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 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;

(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.

(Rajiv Roy, J)

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