

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26365 of 2025

Arising Out of PS. Case No.-143 Year-2022 Thana- GAUNAHA District- West Champaran

Hiralal Ram @ Hiralal Kumar Son of Ram Dhari Ram Resident of Village-
Jaitiya PS- Chanpatiya, Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sheikh Gauhar Son of Late Sheikh Sher Mohammad Village- Mahuabhusa,
Ps- Gaunaha, Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2025 Heard Mr. Sanjeev Kumar Shrivastava learned
counsel for the petitioner and Mr. Anand Kishore Choudhary
learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Gaunaha P.S. Case No. 143 of 2022, F.I.R.
dated 01.07.2022 registered for the offences punishable under
Sections 363, 366(A)/34 of the Indian Penal Code read with
Section 8 of the POCSO Act.

3. As per prosecution case, the minor grand-daughter
of the informant was kidnapped by the accused persons and
when the informant asked them to return his grand-daughter,
they promised to return after a week but till now they have not



returned.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. In fact, the grand-daughter of the informant was in love with co-accused person namely Sudhir Ram @ Sudhir Kumar and she has performed the marriage with Sudhir Ram @ Sudhir Kumar before the District Sub-Registrar-cum-Marriage Officer, Bettiah, West Champaran on 02.02.2023. He further submits that co-accused Sudhir Ram @ Sudhir Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 08.11.2023 in Cr. Misc. No. 71121 of 2023 and apart from that nothing has come during investigation to suggest the involvement of the petitioner in the present occurrence and the victim is living with co-accused person namely Sudhir Ram @ Sudhir Kumar.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and co-accused person namely Sudhir Ram @ Sudhir Kumar has



performed the marriage with the victim girl and the said co-accused has been granted bail by a Coordinate Bench of this Court, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VIIth-cum-Special Judge (POCSO), Bettiah, West Champaran in connection with Gaunaha P.S. Case No. 143 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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