

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31298 of 2025

Arising Out of PS. Case No.-231 Year-2023 Thana- SONBERSHA RAJ District- Saharsa

Arvind Mehta @ Arvind Kumar S/O Shivnandan Mehta R/O VILL.-
JALSAHA BHITTA, WARD NO. 9, P.S.- SONBARSHA RAJ,
(KASHNAGAR O.P.), DIST.- SAHARSA

... .. Petitioner/s

Versus

1. The State of Bihar
2. AMAR KESHRI S/O LATE SATYA NARAYAN KESHRI R/O VILL.-
KOPA, WARD NO. 14, P.S.- SONBARSHA RAJ, (KASHNAGAR O.P.),
DIST.- SAHARSA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-07-2025 Heard Mr. Binod Kumar Sinha, learned counsel

for the petitioner as well as Mr. Umeshanand Pandit, learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
15.01.2025 in connection with Special POCSO Case No. 46 of
2024, Sonbarsa Raj P.S. Case No. 231 of 2023, F.I.R. dated
03.10.2023 for the offences punishable under Sections 363,
366A, 120B, 34 of the Indian Penal Code and Section 8 of
POCSO Act.

3. According to prosecution case, the informant
alleged that the petitioner alongwith other co-accused persons
have kidnapped his daughter.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. From bare perusal of the FIR it appears that date of occurrence is 23.09.2023 but the present FIR instituted on 03.10.2023 i.e. after delay of 10 days without giving any reason of delay. As per allegation in the FIR the petitioner along with other co-accused person have kidnapped the daughter of the informant. Although the victim was recovered but her statement under Section 164 Cr.P.C/183 of B.N.S.S was not recorded by the prosecution. He further submits that the statement of the victim was recorded in the present trial as witness no.1 in which she has categorically stated that she has escaped with the co-accused, Chandra Shekhar Kumar and she has not stated anything about the petitioner and the said Chandra Shekhar Kumar @ Guddu Kumar @ Chandra Kishore Kumar @ Chandra Shekhar Ku @ Guddu Ku have been granted the privilege of bail by the co-ordinate Bench of this Court vide order dated 18.06.2025 in Cr. Misc. No. 37067 of 2025 and the police after investigation has submitted charge-sheet. The petitioner is in custody since 15.01.2025.

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



submits that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the said matter.

6. Considering the aforesaid facts and circumstances, and the fact that the victim has not stated anything about the petitioner and similarly situated co-accused person has been granted the privilege of bail by co-ordinate Bench of this Court, let the petitioner, above named, 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 Special Judge, POCSO, Saharasa in connection with Special POCSO Case No. 46 of 2024, Sonbarsa Raj P.S. Case No. 231 of 2023, subject to the 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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