

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49231 of 2024

Arising Out of PS. Case No.-194 Year-2023 Thana- PARASBIGHA District- Jehanabad

Amit Kumar Son of Sahendra Bhagat R/O Mohalla Khaira, P.S.- Parasbigha,
Dist.- Jehanabad

... .. Petitioner/s

Versus

1. The State Of Bihar Patna
2. W/o deceased Informant of Parasbigh P.S. Case no. 194/2023, Name not Known W/o Late Not known R/O Vill.-Korma, P.S.-Parasbigha, District-Jehanabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vishal Saurabh, Advocate
For the Informant	:	Mr.Manendra Kumar Sinha, Advocate
For the State	:	Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

7 24-06-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the offences under Sections 363, 366(A) of Indian Penal Code and thereafter, Section 376 of I.P.C. and Section 4 of POCSO Act were added.

3. As per the FIR, the daughter of the informant was enticed by the petitioner with an intention to marry. It is further alleged that the informant was assured that the petitioner as well as the daughter would return, however, when they did not return the present case was lodged.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and the allegation of kidnapping is false. Learned counsel further submits that the victim-daughter of the informant had gone out of her own free will with the petitioner. It is next submitted that during the trial both the victim and the informant were examined and did not support the prosecution case and have, in fact, been declared hostile. Learned counsel further submits that even from the victim's own admission, she appears to be a major. It is lastly submitted that the petitioner has clean antecedent and is in custody since 12.10.2023.

5. Learned counsel for the informant as well as learned APP for the State have jointly opposed the prayer for bail of the petitioner and submits that there is specific allegation upon the petitioner to have enticed the daughter of the informant with an intention to marry. It has also been submitted that the case has been found true, charges have been framed, and the trial has commenced. Two witnesses i.e. the mother of the victim and the wife of the informant have been examined till date.

6. Considering the aforesaid facts and circumstances of the case and taking into account the deposition of the two



prosecution witnesses and also considering the period of custody, let the petitioner above-named be enlarged 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 the learned court below where the case is pending/successor court in connection with POCSO Case No. 47/2023 arising out of Parasbigaha Case No. 194/2023 subject to the conditions :-

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. The petitioner shall not approach the informant or any of the family members or the victim girl to either coerce or threaten during the pendency of the trial.
- d. In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.
- e. 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 aforementioned order shall not be delayed for purpose of or in the name of verification.

f. If it is found that the trial is being delayed on account of the petitioner, the learned court below shall be at liberty to cancel the bail bonds of the petitioner.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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