

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73291 of 2024

Arising Out of PS. Case No.-192 Year-2024 Thana- RAXAUL District- East Champaran

Arjun Kumar @ Samraj Kumar @ Arjun Patel Son of Umesh Patel, R/o village- Naga Road, Raxaul, ward no 22, Kaudihar Bhagwanpur, P.S.- Raxaul District- East Champaran

... .. Petitioner

Versus

1. The State of Bihar.
2. Subhash Thakur son of Late Jhokhu Thakur, R/o village- Haraiya, Ward no. 13, PS- Haraiya OP, Raxaul, Dist- East Champaran.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2025 Heard Mr. Ajay Kumar Singh, the learned counsel for the petitioner, the learned counsel for the informant and Mr. Rajiv Nayan, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Raxaul (Haraiya) PS Case No. 192 of 2024, FIR dated 05.06.2024, registered for the offences punishable under Sections 363 and 366-A read with Section 34 of the Indian Penal Code and under Section 8 of the POCSO Act.

3. According to the prosecution case, informant's daughter went missing and he later came to know that petitioner and other co-accused persons have kidnapped the minor



daughter of the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has not supported the case of the prosecution and she has specifically stated that she voluntarily left her parental house and went to Delhi, where she resided at the house of her friend namely, Chandni.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent and victim in her statement recorded under Section 164 of the Cr.P.C. has not supported the case of the prosecution, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory



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 7th Additional Sessions Judge-cum-Special Judge POCSO, Motihari at Each Champaran, where the case is pending in connection with **Raxaul (Haraiya) PS Case No. 192 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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