

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75974 of 2024

Arising Out of PS. Case No.-177 Year-2023 Thana- PATAHI District- East Champaran

1. Phudeni Das S/O Late Govind Das R/O Village- Dewapur, P.S- Patahi (Pachpakri O.P.), Distt.- East Champaran.
2. Kamlesh Das S/O Phudeni Das R/O Village- Dewapur, P.S- Patahi (Pachpakri O.P.), Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramkrit Mahto S/o Late Pahaladi Mahto R/o vill- Dewapur, P.S. - Patahi, Distt.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-03-2025 Heard Mr. Shailendra Kumar Singh, learned counsel

for the petitioners as well as Mr. Ajay Kumar Jha, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Patahi (Packpakri) P.S. Case No. 177 of 2023, F.I.R. dated 08.06.2023 for the offences punishable under Sections 363, 366(A), 120(B) and 34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. According to prosecution case, the petitioners along with other accused persons are said to have kidnapped the minor daughter of the informant for the purpose of marriage or selling

her in international marker or prostitution.

4. Learned counsel for the petitioners submits that petitioner are innocent/having clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that the victim was recovered and her statement was recorded under Section 161 and 164 of the Cr.P.C. in which she has not supported the case of the prosecution.

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

6. Considering the aforesaid facts that the petitioners are having clean antecedent and the victim has not supported the case of the prosecution against these petitioners, let the petitioners, above named, in the event of 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/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge-cum-Special Judge POCSO Act, East Champaran in connection with Patahi (Packpakri) P.S. Case No.

177 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

- i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.
- ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.)

Jyoti Kumari/-

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