

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15334 of 2016

Arising Out of PS.Case No. -160 Year- 2015 Thana -MAHISI District- SAHARSA

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Umesh Sah @ Umesh Kumar Sah Son of Banarsi Sah resident of village -
Mahisarho, P.S. Mahishi, District - Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Akbar Ali (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 20-05-2016 Heard the learned counsel for the petitioner as well

as the learned A.P.P for the State.

The petitioner seeks bail in connection with
POCSO case no. 3 of 2016 arising out of Mahishi P.S. Case No.
160 of 2015 registered for the offences punishable under Section
363, 366(A) and 376 of the Indian Penal Code and Section 4 of
POCSO Act.

Allegedly, Lukhi Kumari, aged 15 years, the
daughter of the informant, became traceless since 15.07.2015 and
thereafter first information report was lodged which was
registered on 05.08.2015. During investigation, the victim girl
was released and her statement was recorded under Section 164
of the Code of Criminal procedure wherein she has made
allegation of kidnapping against the petitioner also and further

that the petitioner and co-accused Mahesh snatched amount of Rs. 10,000/- also and further both brought her at Jaipur where she was kept for six to seven months and there Ranjit committed rape with her.

Submission is of false implication and that victim girl went away with co-accused Ranjit out of her own sweet will but after her return she has named the petitioner also, first information report has been lodged after much delay, the petitioner has got no concern with the alleged kidnapping and without any fault, he is suffering in custody since 21.01.2016.

The learned APP opposes the prayer of bail by submitting that the petitioner and co-accused after giving wrong information took away the victim girl and further snatched amount of Rs. 10,000/- and brought her at Jaipur.

In the facts and circumstances stated above, considering that the allegation of rape is against co-accused Ranjit, not against the petitioner and further the doctor has found her age between 17-19 years and, as such, considering the detention of the petitioner, now he is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, 1st Cum Special Judge of

POCSO Act, Saharsa, in connection with POCSO case no. 3 of 2016 arising out of Mahishi P.S. Case No. 160 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

Mishra/-

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