

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28326 of 2017

Arising Out of PS.Case No. -440 Year- 2016 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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1. Satan Raut, son of Sri Nandlal Raut, resident of Village- Dhobaha, P.S.-
Shikarpur, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha

For the Opposite Party/s : Mr. Binod Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 18-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
27.11.2016 in connection with Shikarpur P.S. Case No. 440 of
2016 for offences punishable under Sections 363/366-A/34 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his daughter aged 14 years had gone for natural call, but in the
meantime, the petitioner kidnapped her. When the informant went
to the family members of the petitioner, the family members
abused him.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal history and has been falsely implicated in order to pressurize the petitioner as Sessions Trial No. 64/11 is going on against the informant, which arises out of Shikarpur P.S. Case No. 163/2008 in which one of the co-accused is the informant and the case is under Section 376 of the Indian Penal Code. He submits that the case has not been found true under Section 376 of the Indian Penal Code as charge-sheet has been submitted under Sections 363, 366-A of the Indian Penal Code. It is further submitted that although the date of occurrence is 29.09.2016, the First Information Report has been lodged after 15 days and no plausible explanation has been given for such delay. He further submits that two of the co-accused on similar allegation have been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 13877 of 2017 on 23.03.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner had taken away the informant's minor daughter.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah, in connection with Shikarpur P.S. Case No. 440 of 2016, subject to the conditions that :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable properties within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of his bail.

(Nilu Agrawal, J)

Rajesh/-

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