

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38723 of 2017

Arising Out of PS.Case No. -9 Year- 2017 Thana -MAHILA P.S District-
WESTCHAMPARAN(BETTIAH)

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Krishna Sah son of Dhrup Sah, Resident of Village- Chakhani, P.S. Bagaha,
District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra

For the Opposite Party/s : Mr. Sri Jitendra Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 11-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Mahila P.S.
Case No. 09 of 2017 for offences punishable under Sections
366(A), 504 and 34 of the Indian Penal Code. The police after
investigation has submitted final form against the petitioner
under Sections 366 (A), 376 of the Indian Penal Code and 4 of
the POCSO Act.

The prosecution case, as lodged by the informant, is
that his 17 year old daughter Rabina Khatoon had gone for
natural call in the morning but did not return. It is alleged that



the petitioner along with his family members named in the F.I.R. have kidnapped her.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and the victim girl under Section 164 Cr.P.C. before the Magistrate has stated that she has gone out of her own will with the petitioner and stayed with him. He submits that charge-sheet has already been submitted and the petitioner is languishing in judicial custody since 27.03.2017.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record as well as on perusal of the statement under Section 164 Cr.P.C., 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 S.D.J.M., Bagaha (West Champaran) in connection with Mahila P.S. Case No.09 of 2017, subject to the condition that both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner and that petitioner will



appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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