

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10859 of 2017

Arising Out of PS.Case No. -204 Year- 2016 Thana -BALIA District- BEGUSARAI

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Uday Sah @ Uday Chandra Sah S/o Sheodhari Sah Resident of Village-
Chhoti Ballia, P.S.- Ballia, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 16-03-2017 Heard both sides.

The petitioner apprehends his arrest in Balia P.S. Case No. 204 of 2016 under Sections 341, 323, 363, 366A, 368, 370(A), 370(B), 372, 373, 120(B)/34 of the Indian Penal Code, 3/4/5 Immoral Tariff Act and 4/8 of POCSO Act.

The mother of the victim alleged that the accused persons were kidnapping her daughter about 9 years in order to sell her in Banaras.

The learned counsel for the petitioner submits that the F.I.R. was lodged after 12 days of the occurrence. The occurrence took place on 22.9.2015. The victim did not name the petitioner in her statement under Section 164 Cr. P.C., but from perusal of the F.I.R. and the order of the learned Sessions Judge it appears that



the accused persons were taking the girl on the pretext that her mother called her to Lakhminiya station and they were talking to sell the girl. Consequently, other witnesses also supported the version of the informant.

Considering the facts aforesaid, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail is rejected.

If the petitioner surrenders in the court below, i.e. learned Additional Sessions and District Judge 1st –cum- Special Judge, POCSO, Begusarai, the learned court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced from the order of this Court.

(Prabhat Kumar Jha, J)

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