

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31044 of 2017

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

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1. Uday Sah, Son of Shivdhari Sah, resident of Chhoti Baliya Bazar, P.S.-
Baliya, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Prasad

For the Opposite Party/s : Mr. Sri Ajay Kumar-1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 30-08-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody in connection with POCSO Case No. 61 of 2016 arising out of Baliya P.S. Case No. 204 of 2016 for offences punishable under Sections 341, 323, 363, 366(A), 368, 370-A, 372, 373, 120(B)/34 of the Indian Penal Code & Section 3, 4, 5 and 6 of Immoral Traffic Act and Section 4/8 of POCSO Act.

The prosecution case, as lodged by the informant, is that her daughter, Dolli Kumari, aged nine years, had gone out on 22.09.2016 to play near the temple but she did not return. It has been alleged that the petitioner along with two co-accused Vishnu



Kumar and Amit Sah have taken the minor daughter of the informant for selling her to a woman broker thereafter, the victim girl has been recovered from Jamalpur Police Station.

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 the aforesaid case. He submits that there is no eye witness to the alleged occurrence and that the victim girl under Section 164 Cr.P.C. has not named the petitioner and he is about 62-65 years of age as stated by one of the prosecution witnesses and that he is languishing in judicial custody since 26.04.2017.

However, learned counsel appearing for the informant as well as learned APP for the State vehemently opposes the prayer for bail stating therein that the petitioner along with two other accused have taken away the minor daughter of the informant, aged nine years, and had sold her to a woman broker but she was recovered. He submits that both the accused persons belong to same family and a property dispute was going on between the parties, hence, being an inimical terms, the victim girl has been kidnapped by the accused persons. He further submits that bail of co-accused Amit Sah @ Sukru has been rejected by a



co-ordinate Bench of this Court in Criminal Miscellaneous No. 24980 of 2017 on 11.07.2017.

Considering the facts and circumstances and the materials on record since the victim girl has named the other two accused but has not named the petitioner and considering the age of the petitioner, 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 Additional Sessions Judge-1st-cum-Special Judge POCSO Act, Begusarai, in connection with POCSO case No. 61 of 2016 arising out of Baliya P.S. Case No. 204 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his 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)

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