

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.3043 of 2018**

Arising Out of PS.Case No. -52 Year- 2016 Thana -PATAHI District-  
EASTCHAMPARAN(MOTIHARI)

=====

Lal Kishore Singh, Son of Late Sri Narayan Singh, Resident of Village-  
Gonahi, POlice Station-Patahi, District-East Champaran.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Karandeep Kumar

For the Opposite Party/s : Mr. Sri Anil Kumar

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      24-01-2018                      Heard learned counsel for the petitioner and learned  
APP for the State.

This is the second round of litigation. Earlier prayer for  
bail of the petitioner was rejected vide order dated 13.07.2017  
passed in Cr. Misc. No. 25373 of 2017.

Petitioner is languishing in judicial custody since  
25.02.2017 in connection with Session (POCSO) Trial No. 944 of  
2017 arising out of Patahi P.S. Case No. 52 of 2016 for offences  
punishable under Sections 366 (A)/34 of the Indian Penal Code.

The prosecution case, as lodged by the sister of the  
victim girl Nidhi Kumari, is that while her parents were away from  
the house, she had gone for teaching and victim Nidhi Kumari was  
alone in the house, the petitioner had taken her away on the pretext



of marriage.

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 trial is going on and the petitioner is ready to cooperate in the trial. It is further submitted that the victim girl has narrated entire different story as stated in her statement under Section 164 Cr.P.C. before the Sessions court and that there is a compromise between the parties.

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

Considering the facts and circumstances and the materials on record and the period of custody, 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 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari in connection with Session (POCSO) Trial No. 944 of 2017 arising out of Patahi P.S. Case No. 52 of 2016, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who



will file an affidavit stating his relationship with the petitioner.

(2) 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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