

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56472 of 2017

Arising Out of PS. Case No.-38 Year-2017 Thana- KAMTAUL District- Darbhanga

Ram Bahadur Pandey, Son of Raj Kumar Pandey, Resident of Village-
Madhopatti, P.S. Kamtoul, District Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Dharmendra Jha, Adv.
For the State	:	Mr. Anil Prasad Singh, APP
For the Informant	:	Mr. Jawed Gaffar Khan, Adv.
		Mr. Arun Kumar Pd., Adv.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 30-04-2018 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner seeks bail in a case registered under
Sections 363, 366(A)/34 of the Indian Penal Code and Sections
4 and 8 of the POCSO Act.

Allegation against the accused persons is of
kidnapping.

This is the second attempt for grant of regular bail of
the petitioner. The earlier bail application of the petitioner was
rejected on 9.8.2017 along with co-accused Tripurari Mishra
vide Cr.Misc.No.23501 of 2017.

On behalf of the co-accused Tripurari Mishra, apart
from the aforesaid bail application one more bail application



was filed without stating the fact that the earlier bail application was already pending for consideration by the court.

The findings of the enquiry report was as follows :

“In view of the facts stated above, it clearly appears that the Deponent Smt. Chunni Devi has suppressed the fact in para no.02 of the Bail petition bearing Token no.36701/2017 regarding filing of previous Bail Petition Cr.Misc.No.23501/2017 in collusion with the Petitioner, Sri Tripurari Mishra, who is her husband.

It is clear case of suppression of facts in a proceeding before the Hon’ble Court that too on Affidavit by the Deponent of the Bail Petition bearing Token No.36701/2017. Smt. Chunni Devi, in collusion with the Petitioner which is criminal act punishable under various sections of IPC.”

Since the bail application of the petitioner was filed along with co-accused Tripurari Mishra, the same was rejected vide order dated 9.8.2017, but in the enquiry report, nothing was found against this petitioner in respect of suppression of facts made on behalf of co-accused Tripurari Mishra.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 11.03.2017 and has got no



criminal antecedent. The petitioner is not named in the F.I.R. Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. The victim, in her statement recorded under Section 164 Cr.P.C., has not stated anything against this petitioner. There is no allegation of physical or sexual abuse against the petitioner. Other co-accused has been granted bail vide Cr.Misc.No.52181 of 2017.

On behalf of the State and learned counsel for the informant, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge-cum-Special Juge (POCSO Act), Darbhanga in connection with Kamtoul P.S. case No.38 of 2017.

(Sudhir Singh, J)

Narendra/-

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