

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39426 of 2019

Arising Out of PS. Case No.-102 Year-2018 Thana- PIRI BAZAR District- Lakhisarai

PAWAN KUMAR SADA @ PAWAN SADA S/o Bibhishan Sada R/o village-
Ghoghi Bariyarpur, P.S.- Piri Bazar, District- Lakhisarai

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Dinesh Saw S/o Late Bandar Saw R/o village- Bariyarpur, P.S.- Piri Bazar,
District- Lakhisarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 21-08-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 363/366(A) IPC and Section 8 of the POCSO Act registered in connection with Piri Bazar P.S. Case No. 102 of 2018.

3. It is submitted that the petitioner has been falsely implicated as evident from the statement of the so-called victim girl recorded under Section 164 Cr.P.C. wherein she has categorically stated that she had voluntarily accompanied the petitioner and solemnised marriage with him. The victim girl in her statement has also stated her age to be of 18 years. There is delay in institution of the FIR on 22.10.2018 for the alleged occurrence of 11.10.2018. It is therefore, submitted that the ingredients of Section 366A IPC and Section 8 of the POCSO Act are not satisfied. The petitioner claim clean antecedents.

4. Learned APP appears and opposes anticipatory bail petition.

5. Be that it may, in the event of petitioner's arrest or surrender within six weeks hereof let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- [ten thousand] with two



sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge Ist-cum-Special Judge, Lakhisarai in connection with Piri Bazar P.S. Case No. 102 of 2018 , subject to the conditions as laid down under Section 438(2) Cr.P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(v) The petitioner shall produce the informant's daughter before the learned Court below at the time of surrender and furnishing bail bond.

(Vikash Jain, J)

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