

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47101 of 2019

Arising Out of PS. Case No.-375 Year-2017 Thana- JOGAPATTI District- West Champaran

DILIP SAH Son of Sri Madan Sah Resident of Village - Lauriya, Mishra Tola,
P.S.- Lauriya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 30-07-2019 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, 366A of the Indian Penal Code and Section 12 of the POCSO Act registered in connection with Jogapatti P.S. Case No. 375 of 2017.

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 Salim Mian and solemnised marriage with him and has not stated anything about the petitioner. The victim girl in her statement has also stated her age to be of 20 years. It is therefore, submitted that the ingredients of Section 366A IPC and Section 12 of the POCSO Act are not satisfied. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, 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 1st



Additional Sessions Judge-cum-Special Judge, West Champaran at Bettiah, in connection with Jogapatti P.S. Case No. 375 of 2017, 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.

Chandran/-

(Vikash Jain, J)

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