

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3678 of 2019

Arising Out of PS. Case No.-328 Year-2017 Thana- DALSINGHSARAI District- Samastipur

Laxman Kumar Sah @ Laxman Sah, Son of Sukhdeo Sah Resident of
Village-Raghuwarpur, P.S.- Dalsingsarai, District - Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

7 28-03-2019

Heard learned counsel for the parties.

Petitioner, who is in custody, seeks bail registered for the offences punishable under Sections 363, 365/34, 366 (A) and 376 of the Indian Penal Code and under Section 8 of the POCSO Act.

Informant has alleged that on 12.10.2017 at about 2:00 AM his minor daughter Shikha Kumari was missing from house and in the morning search was made for her but she could not be located and he has suspected that FIR named accused Laxman Sah, Ram Nath Sah, Rajakant Sah and Sukh Dev Sah kidnapped his daughter for illegal purpose and has also raised suspicion of her killing. It is further stated that earlier also petitioner enticed his daughter and the matter was resolved by *Panchayati*. The girl was recovered and she in her statement



made under Section 164 of Cr.P.C. has stated that she had gone outside in the night to attend call of nature, where three miscreants forcibly took her to the residence of petitioner and she was not permitted to leave the house. Victim has not named petitioner for her abduction.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. Victim was also subjected to medical examination and medical board has assessed her aged to be 17 to 18 years and no external or internal injury has been found on the body of victim. Petitioner has got no criminal antecedent and is in custody since 16.10.2017.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with **Dalsinghsarai P.S. Case No. 328 of 2017 corresponding to Tr. No. 59 of 2018**, with following condition:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and



every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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