

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67256 of 2019

Arising Out of PS. Case No.-118 Year-2019 Thana- BAIRIYA District- West Champaran

RAJAN SAH S/o Kailash Sah Resident of Village- Tadhwanandpur Lakhani
Bazar, P.S.- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 19-12-2019 Petitioner seeks bail in anticipation of his arrest in connection with Bairiya P.S. Case No. 118 of 2019 registered for the offences punishable under Sections 363, 366A/34 of the Indian Penal Code and Section 8 of POCSO Act.

Petitioner is named in the FIR and FIR disclosed that minor sister of the informant was traceless and informant suspects the hand of the petitioner.

Submission of learned counsel for the petitioner is that the girl was recovered while she was hiding herself by the police and her statement under Section 164 Cr.P.C. was recorded but the same has not been produced.

Heard learned APP and learned counsel for the informant, who has opposed the prayer for anticipatory bail on the ground that statement of the girl was recorded under Section



161 Cr.P.C. in which she disclosed the name of the petitioner and one co-accused, who has taken her though there is no allegation against the petitioner.

In view of above facts and circumstances, this application is disposed of with direction to learned Additional Sessions Judge-I, West Champaran to verify from the statement of the girl recorded under Section 164 Cr.P.C. as to whether she has made any allegation against the petitioner or not and if she has made allegation against him, petitioner has to surrender and pray for regular bail and if there is no allegation against the petitioner, learned Special Judge shall release him on bail to its own satisfaction.

(Vinod Kumar Sinha, J)

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