

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16134 of 2020

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

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

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 02-06-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of
Bairiya P.S. Case No.118 of 2019 (CIS-POCSO-38/2019)
registered for the offence punishable under Sections
363/366A/34 of the Indian Penal Code and Section 8 of the
POCSO Act.

It is alleged in the First Information Report that the
informant's sister, who had gone out of her house to ease herself
in the evening of 27.03.2019, did not return. On enquiry, the
informant learnt that she might have been kidnapped by the
petitioner for marriage. The suspicion, in respect of the
petitioner's involvement, was based on a mobile phone number
written on a chit of paper kept beneath the bed of the victim.

Learned counsel for the petitioner has submitted



that the victim has returned and her statement under Section 164 of the Code of Criminal Procedure has been recorded. Her age, on medical examination, has been found to be between 17 to 19 years. He contends that the First Information Report was registered nearly five days after the alleged date of occurrence, which casts serious doubt over the prosecution's case to the extent the same relates to implication of the petitioner and his family members. He has also submitted that no sign of sexual assault has surfaced during the course of investigation.

Considering the above submission, this application is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST/POCSO), Bettiah, West Champaran, in Bairiya P.S. Case No. 118 of 2019 (CIS-POCSO-38/2019).

(Chakradhari Sharan Singh, J)

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