

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21438 of 2020

Arising Out of PS. Case No.-336 Year-2019 Thana- Basantpur District- Siwan

VINAY KUMAR SAH age about 24 years (Male) S/o Lalan Sah, R/o village
Khawaspur P.S. Lakri Nabiganj, District- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Rakesh Mohan Singh
	:	Mr.Kumar Kashyap
For the Opposite Party	:	Mr.Mithilesh Kumar Khare, (APP)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 15-10-2020 Heard Mr. Rakesh Mohan Singh, learned counsel for the petitioner and Mr. Mithilesh Kumar Khare, learned Additional Public Prosecutor appearing for the State of Bihar.

This application for grant of anticipatory bail arises out of Basantpur P.S. Case No. 336 of 2019, registered for the offence punishable under Sections 366(A)/34 of the Indian Penal Code and Section 8 of the POCSO Act.

Allegedly, the informant's minor daughter was kidnapped by the persons named in the F.I.R., including this petitioner, for marriage. It is also alleged in the F.I.R., that the informant had gone to meet, father of co-accused Dev Kumar Sah, in search of her daughter, where he had found the victim's



bicycle, present there. Allegedly, the informant returned back from the house of the co-accused Dev Kumar Sah, with the bicycle of her daughter.

Learned counsel appearing on behalf of the petitioner has submitted that the petitioner has neither any concern with the main accused Dev Kumar Sah nor there is any material collected against him, during the course of investigation. He has further submitted that the victim's statement has been recorded under Section 164 of the Cr.P.C., from which, it can be easily seen that the victim had left her house with co-accused Dev Kumar Sah and had gone to Patna and Mumbai and, thereafter, they got married.

Considering the above mentioned submission, which is supported by the materials collected, during the course of investigation, as available in the case diary, this application is allowed.

Let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the Court below, 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 Chief Judicial Magistrate, Siwan in connection with Basantpur P.S. Case No. 336 of 2019, subject to



the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

It is indicated that defect, if any, shall be removed within two months.

Since COVID-19 Pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.



(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

AKASH/-

U		T	
---	--	---	--

