

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26018 of 2021

Arising Out of PS. Case No.-453 Year-2019 Thana- JOGAPATTI District- West Champaran

ATUL KUMAR MISHRA SON OF SUBHASH MISHRA R/O VILLAGE-
KHAIRATIYA, P.S. MANUAPUL, DISTRICT- WEST CHAMPARAN.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Bimlesh Kumar Pandey, Advocate.
For the State	:	Mr. B.M.P. Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 08-12-2021 The applicant/accused in Crime No.453 of 2019 registered with Police Station-Yogapatti (Sanichari) for the offence punishable under Section 366A read with Section 34 of the Indian Penal Code as well as under Section 12 of the POCSO Act, by this application is seeking his release on bail during the course of the trial.

Learned counsel appearing for the applicant submits that the applicant is behind the bars for more than one and half years. The victim female child had refused to stay with her parents and, therefore, she is already sent to Nari Niketan. It is further argued that the statement of her sister shows that some unknown boys had kidnapped the victim female child.

Learned Prosecutor opposed the application.

I have considered the submissions so advanced and also perused the materials placed before me.



Ramakant Sah had lodged the F.I.R. on 21.12.2019 alleging that his two minor female children are missing. He pointed out finger of suspicion against the applicant and other accused persons.

It is reported that statement of the victim female child is recorded by the learned Magistrate under Section 164 of the Code of Criminal Procedure. She has stated that being fed-up with the harassment of her parents, she had eloped from the house and joined the company of the applicant and had married the applicant. Her elder sister, who also went missing with her, had stated that some unknown boys had kidnapped the victim female child.

Be that as it may, now, the investigation in the crime in question is already over. As the applicant has already undergone pretrial detention for more than one and half years, his further pretrial detention is not warranted. Therefore, the orders:

(i). The application is allowed.

(ii). The applicant/accused in Crime No.453 of 2019 registered with Police Station-Yogapatti (Sanichari) for the offence punishable under Section 366A read with Section 34 of the Indian Penal Code as well as under Section 12 of the POCSO Act be released on bail on executing P.R. bond of



Rs.10000/-(Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

(I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II). The applicant should cooperate the trial in expeditious disposal of the trial against him.

(III). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue bail-writ as per this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

P.S./-

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

