

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.145 of 2021**

Arising Out of PS. Case No.-124 Year-2020 Thana- MUFFASIL District- West Champaran

LALBABU KAUSHAL RAJ @ LALBABU PRASAD @ LALBABU RAJ
KAUSHAL @ LALBABU KAUSHAL S/o Late Chhathu Sah R/o village-
Rajendranagar, Banuchhapar, P.S.- Bettiah Muffasil (Banuchhapar O.P.),
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey, Adv.
For the Opposite Party/s	:	Mr.Akshay Lal Pandit, APP
For the Informant	:	Mr.Dhananjay Kumar No.2, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 14-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Bettiah Muffasil (Banuchhapar O.P.) P.S. Case No.124/2020 registered for the offences punishable under Sections 363, 366A and 34 of the Indian Penal Code and Sections 8 and 18 of the POCSO Act.

The prosecution case in brief is that on 01.03.2020 at about 8.30 pm the daughter of the informant was called by the



wife of his neighbour namely Lalbabu Kaushal and thereafter one Pintu and two unknown persons kidnapped his daughter. It is further alleged that on 02.03.2020 at about 8.00 am the informant received a call on his mobile on which his daughter wanted to say something but somebody snatched her mobile and assaulted her. Again at 10.00 am he received a call on his mobile on which his daughter wanted to say something but again her mobile was snatched. The informant raised a suspicion that his daughter has been kidnapped by the accused persons.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to dirty local politics. Learned counsel submits that the name of this petitioner has been brought in this case only because he is father of the boy with whom the victim girl was in love affair. It is submitted that the petitioner is in custody in connection with this case since 01.06.2020 having no criminal antecedent.

Learned APP for the State and learned counsel for the informant have opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed the submissions of learned



counsel for the petitioner and learned APP for the State the FIR has been lodged two days after the alleged occurrence, the victim girl has been found aged about 17 to 19 years in the medical examination report, in course of investigation it has transpired that son of this petitioner and the victim girl were in love affair, the mother was also made accused in this case who has been granted privilege of anticipatory bail, this petitioner being the father has remained in custody in connection with this case since 01.06.2020, investigation against him is complete but the trial is not likely to take place in near future, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-Vith-cum-Special Judge, POCSO, Bettiah, West Champaran in connection with Bettiah Muffasil (Banuchhapar O.P.) P.S. Case No.124/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of



the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

