

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35795 of 2020

Arising Out of PS. Case No.-118 Year-2020 Thana- BAIRIYA District- West Champaran

Sipahi Baitha, aged about 52 years, Son of Parshuram Baitha @ Banka Baitha
Resident of Village- Bairiya Tandha, P.S.- Bairiya, District- West Champaran
(Bettiah)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 25-01-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking bail in connection with POCSO Case No. 42 of 2020 arising out of Bairiya P.S. Case No. 118 of 2020 registered for offences under sections 363/366A/34 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012.

As per allegation made in the First Information Report, it appears that the daughter of the Informant has been kidnapped for the purpose of marriage.

The name of the petitioner has been specifically mentioned in the F.I.R.

From the statement of the victim girl made under Section 164 of the Cr.P.C. (Annexure-3), it appears that the girl



has voluntarily, on her own will, went along with Chhotu Baitha and solemnized marriage with him in the temple.

Looking to the entire facts and circumstances of the case, 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 learned Additional District and Sessions Judge VIIth cum Special Judge, POCSO, Bettiah, West Champaran in connection with POCSO Case No. 42 of 2020 arising out of Bairiya P.S. Case No. 118 of 2020, subject to the condition that (i) one of the bailors shall be a close relative of the petitioner (ii) if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of his bail and the court below will pass necessary order, including cancellation of bail and (iii) the petitioner would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds.

(Shivaji Pandey, J)

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