

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3778 of 2021

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

=====

KAILASH SAH, SON OF LATE PRASAD SAH RESIDENT OF VILLAGE-
TADHWA NANDPUR, LAKHANI BAZAR, P.S.- BAIRIYA, DISTRICT-
WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 29-07-2021 Heard Mr. Sanjeev Kumar, learned counsel for

the petitioner and Mr. Syed Ehteshamuddin, learned APP

for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Bairiya P. S. Case No. 118 of

2019, dated 01.04.2019, instituted for the offences

under Sections 363, 366A and 34 of the Indian Penal



Code and Section 8 of the POCSO Act, 2012.

The informant suspected that his daughter has been kidnapped / abducted for the purposes of marriage. It appears that during the course of investigation, the victim's statement was recorded under Section 164 Cr.P.C. She was also subjected to medical examination and was assessed to be between 17 to 19 years of age.

The learned counsel for the petitioner has submitted that the victim girl has now been married to some other person and Rajan Sah, who is the son of the petitioner and against whom there is an allegation of abducting the victim has been granted regular bail by a Bench of this Court.

The learned counsel for the petitioner has submitted that the F.I.R. was lodged after five days of the occurrence and the only accusation against him is that he did not provide definite information to the informant when he was asked about the occurrence.

The learned counsel for the petitioner submits



that the very fact that he was found present in his house indicates that he had no idea about such an offence having been committed by his son and his associates or else he would not have remained in the house to be sitting duck.

Apart from this, it has been submitted that the son of the petitioner against whom there is main allegation has been granted bail as noted above.

The medical report does not show any sign of recent sexual intercourse.

Regard being had to the afore-stated facts, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional District and Sessions Judge cum Special Judge (POCSO), Bettiah,



West Champaran, in connection with Bairiya P. S. Case
No. 118 of 2019, subject to the conditions as laid down
under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

skm/-

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

