

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38348 of 2020

Arising Out of PS. Case No.-212 Year-2020 Thana- JAYNAGAR District- Madhubani

Dilip Kumar Sah S/O Chandrabir Sah @ Chandravir Sah R/O Village - Parba,
P.S. - Jaynagar, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar, Adv
For the State	:	Mr.Shyam Kumar Singh, APP.
For the Informant	:	Mr. Ravindra Kumar Singh, Adv

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 12-02-2021 Let the defects be removed within four weeks.

Heard the parties.

Petitioner seeks bail in a case registered for the offences punishable under Sections 363,366A I.P.C. and Section 12 of the POCSO Act.

The statement of the victim girl under Section 164 Cr.P.C. would reveal that co-accused-Chandradeep and Shiv took the victim on a motorcycle and carried her near the Bandh where co-accused-Rakesh and this petitioner were there. All the four took her to Patna. Thereafter Chndradeep asked her to go to Jaynagar and took her to Jaynagar. Co-accused-Shiv allegedly ravished her.

Learned counsel for the petitioner submits that it does



not appear that the victim made any protest at any point of time while travelling alongwith the accused persons though she had sufficient opportunity, hence she was a consenting party. So far her claim that she was a minor, the main allegation is against co-accused Shiv.

Learned counsel for the informant opposed the prayer for bail on the ground that co-accused-Shiv has already been refused bail by a Coordinate Bench of this Court.

Case of the petitioner is distinguishable from co-accused-Shiv. Petitioner is in custody since 28.06.2020. Investigation of the case is already complete.

Considering the facts aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Jaynagar Police Station Case No.212 of 2020 with following conditions:

(a) Both the bailors shall be resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.



(c) The petitioner shall not leave the country without
permission of the trial Court.

(Birendra Kumar, J)

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