

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.91 of 2021

Arising Out of PS. Case No.-321 Year-2019 Thana- CHANPATIA District- West Champaran

1. Gopal Sah @ Gapalji Sah, Gender-Male, Aged about 45 years, Son of Chhathu Sah,
 2. Ramayan Sah Gender-Male, Aged about 50 years, Son of Chhathu Sah
 3. Bittu Kumar Gender-Male, Aged about 22 years, Son of Gopal Sah
- All are residents of Mohalla-Chuhari, P.S.-Chanpatiya, District-West Champaran.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr. Sanjay Kumar No 7 Mr. Anant Kr. Mishra, Advocates
For the Respondent	:	Mrs. Usha Kumari No.1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 19-02-2021 Heard learned counsel appearing on behalf of the appellants and learned counsel appearing on behalf of the respondent.

Appellants are aggrieved by the order dated 03.10.2020 passed by 6th Additional District Judge-cum-Special Judge (POCSO), Bettiah, West Champaran in Bail Petition No. 2415 of 2020 corresponding to Chanpatiya P.S. Case No. 321 of 2019 registered for the offence under Sections 366/34 of the Indian Penal Code; Sections 3(1)R(3) and 3(ii)(v) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act and Section 4 of the POCSO Act whereby the prayer of the



appellants for grant of bail has been rejected.

Learned counsel appearing on behalf of the appellants would submit that the appellants have no criminal antecedents.

Learned counsel appearing on behalf of the appellants would submit that the allegation against accused Sonu Kumar @ Preetam Kumar, Rubi Devi and Reema Devi is that they were involved in kidnapping the daughter of the informant. The first information report, in the instant case, was registered after ten months of the occurrence. There is specific allegation against main accused Sonu Kumar @ Preetam Kumar, who is already in custody. The appellants are in custody since 07.09.2020.

Considering the fact that the appellants are in custody since 07.09.2020 and there is inordinate delay in lodging the first information report, the Court is inclined to allow the criminal appeal. The order dated 03.10.2020 passed by 6th Additional District Judge-cum-Special Judge (POCSO), Bettiah, West Champaran in Bail Petition No.2415 of 2020 corresponding to Chanpatiya P.S. Case No. 321 of 2019 is set aside. Let the appellants, named above, be released on bail on furnishing bail bonds of Rs.50,000/- (Rupees fifty thousand) each with two sureties of the like amount each to the satisfaction of 6th Additional District Judge-cum-Special Judge (POCSO),



Bettiah, West Champaran in connection with Chanpatiya P.S.

Case No. 321 of 2019.

Accordingly, the criminal appeal is allowed.

(Anil Kumar Upadhyay, J)

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