

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5933 of 2021**

Arising Out of PS. Case No.-73 Year-2020 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Shashikant Jaiswal @ Shashikant Kanojia Son Of Umesh Kanauzia @
Kanojiya Umesh R/O Village- Kamdar Nagar, P.S.- Sardar Nagar, District-
Ahmadabad (Gujarat).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Adv.
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 19-07-2021 In view of sudden resurgence of COVID-19

infection there is limited functioning of the High Court and

therefore the matter has been listed for consideration through

virtual mode.

Heard learned counsel for the petitioner and the
learned APP for the State.

This Court would expect that the petitioner's Counsel
would honour his undertaking in the instant proceedings
regarding supply of requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

Petitioner seeks bail in Sheikhopur Sarai P.S. Case
No.73 of 2020 registered under Sections 365, 366(A)/34 of the



IPC and 12 POCSO Act.

The petitioner has allegedly gone out from the house to the market and thereafter she has not returned. The informant has alleged that she may have been taken away by the petitioner and co-accused Chandan from whom she was regularly receiving messages on her mobile phone. Referring to the case diary, which was requisitioned in this proceeding, it is submitted that the victim's statement under 164 belies the allegation. She has stated about traveling from the place of occurrence to Patna, then Lucknow and finally to Ahmedabad along with the instant petitioner. There is no allegation that she was forcibly taken away and as per medical examination she is between 17 to 18 years old. As per her date of birth recorded in Aadhar Card (05.03.2003) also the petitioner has attained majority and was fully capable of taking her own decision. There is no allegation of any physical abuse or assault being perpetrated upon her by the instant petitioner. Having no criminal antecedent, he is in custody since 14.10.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on



furnishing bail bonds of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, Sheikhpura, in Sheikhopur Sarai P.S. Case No.73 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

Prakash Narayan /-

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