

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1895 of 2022

Arising Out of PS. Case No.-49 Year-2021 Thana- MAHILA P.S BAGHA District- West
Champaran

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Sandeep Kumar Sah Son Of Bholu Sah R/O Bhediari, Basantpur, P.S. Sathi,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bagaha
(Mahila) P.S. Case No. 49 of 2021 registered for the offence
under Sections 366A, 120B and 34 of the Indian Penal Code,
later on added Section 8 of POCSO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.08.2021.

The allegation against the petitioner is to kidnap the



daughter of the informant for the purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner submitted that it was not a case of kidnapping, rather victim went on her own will along with the petitioner for the purpose of solemnizing her marriage. It is submitted that this is not a case of sexual assault/abuse, where petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that victim denied the allegation of kidnapping.

Considering the facts and circumstances as mentioned above, as allegation of kidnapping and sexual assault/abuse were denied by victim through her statement recorded under Section 164 of the Cr.P.C., coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bagaha (Mahila) P.S. Case No. 49 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 7th-cum-Special Judge POCSO,



Bettiah, West Champaran/concerned court, subject to the following conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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