

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7330 of 2022

Arising Out of PS. Case No.-142 Year-2021 Thana- PATAHI District- East Champaran

Situ Kumar @ Situ Sah Son Of Shambhu Sah R/O Village- Kotha, P.S.-
Belsand, District- Sitamadhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, App

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 16-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Patahi P.S. Case No. 142 of 2021 instituted for the offences
under punishable Sections 363, 366A and 34 of the Indian Penal
Code and under Sections 8 and 10 of the POCSO Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 28.08.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

The prosecution case in short is that on 03.08.2021 at
about 08:00 pm, when the niece of the informant went to fetch
some water, all accused persons with armed, kidnapped her. It is



further alleged that his niece is a minor girl and came to his place to meet them. Further, it is alleged that one Upendra Sah saw that all the accused persons were forcefully taking the victim near Bakhri Petrol Pump. Further, it is alleged that all accused persons have criminal background and were also charge-sheeted in Rajepur P.S. Case No. 92 of 2021. The informant then states that he fears that something unfortunate may happen with his niece.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner has no criminal antecedent. After recovery of the victim girl, her statement of under Section 164 of Cr.P.C. was recorded in which there is no whisper about any wrong act done by the petitioner and she went with the petitioner on her sweet own will and marriage was solemnized in Sheohar. It is further submitted by the learned counsel for the petitioner that after recovery, medical examination was done. As per the radiological examination, the victim has been ascertained to be a major i.e. 18 to 19 years. It is submitted that at best the case relates to a love affair and the petitioner ought not be prosecuted for a consensual act of a girl who has attained the age of discretion.



Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 28.08.2021, charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge, POCSO Act, East Champaran at Motihari in connection with Patahi P.S. Case No. 142 of 2021 subject to the condition that Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(Khatim Reza, J)

Gaurav Kumar/-

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