

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8265 of 2022**

Arising Out of PS. Case No.-142 Year-2021 Thana- LAKHISARAI District- Lakhisarai

Sagar Saw Son of Ganesh Saw R/O Village- Pachna Road, Kiul Basti, Ward
No.22, P.S.- Kabaiya (Lakhisrai), District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 27-06-2022 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
Lakhisarai (Kabaiya) P.S. Case No. 142 of 2021 registered for
the offence under Sections 366(A) and 34 of the Indian Penal
Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.11.2021.

The allegation against the petitioner is to is to kidnap
the daughter of the informant for the purpose of illicit
intercourse.

Learned counsel appearing on behalf of the petitioner



submitted that the statement of victim recorded under Section 164 of Cr.P.C. negate the element of kidnapping and also any sexual assault. It has further been submitted that one case is pending against the petitioner and that too in connection of his earlier marriage. While concluding the argument, it has further been submitted that, as per medical examination report and assessment of the Court, the victim is appearing major on the date of occurrence and, moreover, the chargesheet has already been submitted in this case, as such, there is no chance of tampering of evidence.

Learned APP duly assisted by learned counsel appearing on behalf of the informant, Rajive Ranjan Singh submitted that, as per school certificate, victim was minor on the date of occurrence.

Considering the facts and circumstances as mentioned above, as victim negate the allegation of kidnapping and sexual assault in her statement as recorded under Section 164 of Cr.P.C., let the petitioner, above named, is directed to be released on bail in connection with Lakhisarai (Kabaiya) P.S. Case No. 142 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 Chief Judicial Magistrate,



Lakhisarai, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Sarita Devi, who is the sister of the petitioner and deponent of the present bail petition.”

The physical appearance of I/O of this case before the Court is dispensed with.

(Chandra Shekhar Jha, J)

Ankit/
Shashank/-

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