

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11185 of 2022

Arising Out of PS. Case No.-30 Year-2019 Thana- KHODAWANDPUR District- Begusarai

DILIP SADA S/O RAM SOBHIT SADA, R/o village- Sekha Tola Ekamba,
P.S.- Khodawandpur (Chhorahi O.P.), District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with Khodawandpur (Chhorahi O.P.) P.S. Case No. 30 of 2019 which was subsequently converted into POCSO Case No. 81 of 2019 lodged under Sections 366A/34 of the Indian Penal Code read with Section 3/4 of POCSO Act.

Learned counsel for the petitioner submits that F.I.R. has been lodged by the father of the alleged victim on 19.02.2019, whereas the occurrence was alleged to be taken place on 11.02.2019. It has been further mentioned that petitioner is named in the F.I.R.. The extreme allegation against him is that he has kidnapped with other four named accused to the daughter of the informant with bad intention. He further

submits that the alleged victim has been recovered and her statement under Section 164 of Cr.P.C. has taken place before the Court which is Annexure-3, in which it has been asserted that her age is 19 years and she admits that she fell in love with the present petitioner and with a view of marriage, left the village and started living with him. She also admits that from the petitioner, she has one male child. She also deposes that there were no force applied and she is very happy with her husband. Learned counsel for the petitioner further submits that two co-accused persons namely, Vikesh Sada and Ramshobhit Sada were granted bail by the Co-ordinate Bench of this Court vide order dated 20.11.2019 passed in Cr. Misc. No. 51928 of 2019. He also submits that charge sheet has already been filed and petitioner is in custody since 18.06.2021 having clean antecedent.

Learned A.P.P. opposes the prayer for bail.

Considering the facts and circumstances of the case and also considering the statement of the alleged victim under Section 164 of Cr.P.C., let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-VI-cum-Special

Judge, POCSO Act, Begusarai, in connection with POCSO Case No.81 of 2019 arising out of Khodawandpur (Chhorahi O.P.) P.S. Case No. 30 of 2019, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) At the time of furnishing bail bond, the petitioner shall file an affidavit to the effect that he shall not indulge himself in future in the similar type of offence. If it is found so, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

Accordingly, the bail application stands disposed of.

(Dr. Anshuman, J)

ravishankar/-

U		T	
---	--	---	--