

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11742 of 2022

Arising Out of PS. Case No.-5 Year-2021 Thana- SARAI District- Vaishali

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LALAN SAH Son of Manoj Sah @ Manoj Kumar Sah Resident of Village -
Majlishpur Madho @ Chapra , P.s.- Minapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh

For the Opposite Party/s : Ms. Rina Sinha

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 20-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Sarai

P.S. Case No. 05 of 2021, registered for the offences

punishable under Sections 363, 366 (A) of the Indian Penal

Code and Sections 4,6 and 8 of POCSO Act.

The prosecution case as emerging from the FIR is

that when the daughter of the informant went to attend the

call of nature, she was kidnapped by accused-petitioner on

the pretext of marriage with her.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in



this case. He refers to the statement of the alleged victim as recorded under Section 164 Cr.P.C. as per which she has clearly stated that no-one had kidnapped her and she had went to the house of the accused-petitioner on her own volition on account of altercation with her parents. He further submits that as per the medical report she is aged between 19 to 21 years.

The petitioner has been languishing in jail since 03.02.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstance, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to



the satisfaction of the Ld. Exclusive Special Court POCSO Cum Additional District and Ld. Sessions Judge VI, Vaishali at Hajipur in connection with Sarai P.S. Case No. 05 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his



knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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