

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13618 of 2022

Arising Out of PS. Case No.-238 Year-2021 Thana- SIKARPUR District- West Champaran

BIROO KUMAR @ VEERU SAH Son of Late Umesh Sah @ Late Raju Sah
Resident of Pokhara Chowk, Narkatiyaganj, P.S.- Sikarpur, District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 20-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Sikarpur P.S. Case No. 238 of 2021 registered for the

offences punishable under Sections 363, 366(A) and 34 of

the Indian Penal Code and Section 8 of the POCSO Act.

The prosecution case as emerging from the FIR is

that the petitioner and his associates had enticed the

daughter of the informant and when the informant tried to

inquire about her daughter from them, they assaulted him.

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 girl as recorded under Section 164 Cr. P.C. as per which she has clearly stated that she has gone to Chennai on her own volition and she was living there in a room separately and nobody else was living with her and she has clearly denied that she had gone to Chennai on asking of anybody else. Aafter 10 days, she came back from Chennai. He further submits that she has clearly stated that nobody had enticed her. He also submits that other co-accused person, namely, Prabhu Sah has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 10.05.2022, passed in Cr. Misc. No. 59878 of 2021.

The petitioner has been languishing in jail since 13.11.2021.

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. Additional District and Sessions Judge 7th -Cum- Special Judge, (POCSO) Bettiah, West Champaran in connection with Sikarpur P.S. Case No. 238 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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