

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22905 of 2021**

Arising Out of PS. Case No.-479 Year-2020 Thana- HARSIDHI District- East Champaran

HARDEO DAS, aged 55 years (M), Son of Bhutti Das, Resident of Village-  
Tatwa Toli Ranjita, P.S.- Harsidhi, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Abhishek Kumar, Advocate  
For the Opposite Party : Mr. Ram Sumiran Rai, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      16-05-2022                      Heard learned counsel for the petitioner and learned  
counsel for the State.

Learned counsel for the petitioner is directed to  
remove the defects, as pointed out by the office, within a period  
of four weeks.

The petitioner is apprehending his arrest in connection  
with Harsidhi P.S. Case No. 479 of 2020 for the offence  
registered under Sections 363 and 366(A)/34 of the I.P.C. and  
8/12 of the POSCO Act.

The prosecution story, in brief, is that on 07.11.2020,  
the daughter of the informant, namely, Sudha Kumari, went to  
the Girls High School to make correction in her Admit Card, but  
she did not return home till evening. On 14.11.2020, quarrel had  
taken place in between the informant and co-accused Arvind



Das and then Hardeo Das (petitioner) said that his son, Ajay Kumar, Vinay Kumar, Bindeshwari Sahni, Jai Prakash Sahni and other accused persons have kidnapped the informant's daughter and sold her to the brothel.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. From perusal of the F.I.R. itself, it appears that there was previous dispute between the parties. The case was instituted after more than seven days of the alleged occurrence. Delay has not been explained by the prosecution. Subsequently, the victim has filed a petition before the Superintendent of Police where she has stated that she had left the house out of her own will. She has not supported the allegation made in the F.I.R. Her statement under Section 164 Cr.P.C. has been recorded later and which was under influence of her parents. Hence, the same cannot be relied upon.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or



surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge-cum-Special Judge, POCSO, Motihari, East Champaran, in connection with Harsidhi P.S. Case No. 479/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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