

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13331 of 2022

Arising Out of PS. Case No.-210 Year-2021 Thana- SATHI District- West Champaran

LALAN SHARMA S/o Bhagan Sharma R/o Village- Hardia Chowk, Ward
No. 19 Narkatiyaganj, P.S.- Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2

For the Opposite Party/s : Mr. Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Sathi P.S. Case No. 210 of 2021 for the offence punishable
under Sections 363 and 365/34 of the Indian Penal Code and
Sections 8 and 12 of the POCSO Act.

As per the allegation made in the F.I.R., two daughters
of the informant aged about 16 years and 17 years were
kidnapped by altogether 8 accused persons named in the F.I.R.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is not named in the F.I.R. Petitioner
has been implicated in the present case because he is the father
of one co-accused Aman Kumar. Petitioner is neither involved



in kidnapping of the daughters of the informant nor he has supported his son in any manner in kidnapping of the daughters of the informant. It is further case of the petitioner that even the victim in her statement recorded under Section 164 Cr.P.C. after recovery has not named the present petitioner to be involved in any manner and also has not made any allegation of physical or sexual assault against the petitioner. The petitioner is in custody since 17.11.2021. As such, the petitioner deserves to be released on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Having perused the F.I.R. and statement recorded under Section 164 Cr.P.C. annexed to the bail application, it appears that name of the petitioner does not figure in the F.I.R., the victim has not made any allegation of physical assault or sexual assault against her to have been committed by the petitioner or with respect to the petitioner's involvement in commission of the alleged offence in any manner. Prima facie, it appears that the petitioner has been dragged in the present case because he is the father of one co-accused Aman Kumar and to that effect petitioner has made specific statement in Para-7 of the bail application. The petitioner has made out a case to be released on bail.



The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 7th A.D.J. cum Special Judge, POCSO, West Champaran, Bettiah in connection with Sathi P.S. Case No. 210 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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