

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16476 of 2022

Arising Out of PS. Case No.-77 Year-2021 Thana- SAHODARA District- West Champaran

SAHEB RAI S/o Chokat Rai Resident of Banshpur, P.S.- Sahodara, District-
West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Aditya Nath Jha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-05-2022 Heard learned counsel for the petitioner and the State
through virtual mode.

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

The petitioner is apprehending his arrest in Sahodara P.S.
Case No. 77 of 2021 registered under Sections 363, 366(A) of the
Indian Penal Code and Sections-8, 18 of POCSO Act.

Allegation against the accused persons including the
petitioner is of kidnapping the informant's daughter with ill-motive.

It has been submitted on behalf of the petitioner that there
is no allegation of tampering of witnesses alleged against the
petitioner. The petitioner has been made accused in the present case
due to mistake of fact. From perusal of order of cognizance
(Annexure-4 to the application), it appears that the police after



investigation, submitted final form finding the case to be false against the petitioner but the court below differed with the final form and took cognizance against the petitioner also. Hence, the present application has been filed. Annexure-2 is the medical examination report of the victim which does not show any sexual intercourse being made to the victim.

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

Considering the aforesaid facts and circumstances of the case, 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 bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount to the satisfaction of learned Special Judge(POCSO)-cum-ADJ 7th, Bettiah, West Champaran in connection with Sahodara P.S. Case No. 77 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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