

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19197 of 2022

Arising Out of PS. Case No.-210 Year-2021 Thana- KOTWA District- East Champaran

RANJAN DAS Son of Prashuram Das Resident of village - Machharganwa,
P.S.- Kotwa, District - East Champaran

... .. Petitioner

Versus

1. The State of Bihar
2. Chandan Kumar Sah Son of Ramvilash Sah R/o village - Banbirwa, P.O.-
Jesauli, P.S.- Kotwa, District - East Champaran, Presently Machharganwa,
P.S.- Kotwa, District - East Champaran

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 29-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under section 366(A) of the
Indian Penal Code read with Section 8/12 of POCSO Act, in
connection with Kotwa P.S. Case No. 210 of 2021.

As per the prosecution story, in the FIR, it is
alleged that the informant's minor daughter was missing since
12.7.2021 and later it came to their knowledge that she has been
kidnapped by the accused persons herein. Accordingly, the FIR
was lodged.

In this case, case diary was called for on 29.7.2022



and the same has been received.

Learned counsel for the petitioner submits that a perusal of the statement made by the victim girl under section 164 of the Cr.P.C. shows that she had left home on her own. He has further submitted that with the help of Medical report that contrary to the allegation, the age has been found to be between 18-19 years. He lastly submits that the petitioner is in custody since 1.10.2021.

Considering the aforesaid facts as also the statement made by the victim girl under section 164 of the Cr.P.C. and that her age has opined to be 18-19 years and he is in custody since 1.10.2021, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 6th Additional Sessions Judge cum Spl. Judge POCSO, Motihari, East Champaran, in connection with Kotwa P.S. Case No. 210 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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