

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20671 of 2022

Arising Out of PS. Case No.-468 Year-2021 Thana- HARSIDHI District- East Champaran

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Sonalal Kumar @ Sona Lal Kumar, S/o Radha Ram @ Radha Rai R/o
Village- Bishunpura, P.S.- Harsidhi, District- East Champran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

4 12-10-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with
Harsidhi P.S. Case No. 468 of 2021, registered for the
offence punishable under Sections 363, 366(A)/34 of the
Indian Penal Code and Sections 8/12 of POCSO Act.

As per FIR, there is an allegation of kidnapping the
minor daughter of the informant, namely, Anjali Kumari by



the accused-petitioner.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the allegation of kidnapping is completely false. He refers to the statement of the alleged victim as recorded under Section 164 Cr.P.C., as per which she has clearly stated that she was not kidnapped by the accused-petitioner. In fact, she had called him on her own volition and accompanied him to Bombay where she entered into marriage with him in a temple. There is no statement regarding physical relationship between the two. Even the medical examination of the alleged victim shows that there is no physical relationship between the alleged victim and the accused/petitioner. The age of the alleged victim as assessed by the Ld. Magistrate is 17 years whereas as per the Medical Board her age is between 18 to 19 years.

The petitioner has been languishing in jail since 25.02.2022 i.e. for about eight months.

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 saying that the alleged offence is serious in nature.

Considering the aforesaid facts and circumstances, particularly the age and the statement of the alleged victim girl, 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. A.D.J. 6th cum Special Judge [POCSO] East Champaran at Motihari in connection with Harsidhi P.S. No. 468 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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