

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22336 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- BALTHAR District- West Champaran

JATA SHANKAR SAH S/o Shambhu Sah, Resident of Village- Balthar, P.S.-
Balthar, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 26-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Balthar P.S. Case No. 08 of 2022 lodged under Sections 363,
366A/34 of the Indian Penal Code and Section 8 of the POCSO
Act.

The prosecution as narrated by the informant is that
nine named accused persons including the petitioner were
convinced the daughter of the informant and persuade her to
leave her house on the ground of her marriage, as such the
present case has been filed.

Learned counsel for the petitioner submits that it has
been categorically stated by the informant that the age of her
daughter is 19 years. It has been further submitted that the said

girl namely, Kiran Kumari has been recovered in this case and deposed her statement under Section 164 of Cr.P.C.. It has been further stated that in her statement under Section 164 of Cr.P.C. the alleged victim has disclosed that she was not under pressure of anyone. She further states that she is a student of Class-10th and wanted to persuade her studies but her mother and father were interested for her marriage only. It is due to this reason, she left the house and went the bazar, where she met with one Nausad Alam, who is resident of her village. As per the allegation made by the victim before the Court, the entire prosecution case has collapsed. Learned counsel for the petitioner further submits that the said Nausad Alam was granted bail by the Co-ordinate Bench of this Court vide order dated 12.07.2022 passed in Cr. Misc. No. 15413 of 2022.

Learned counsel for the State opposes the prayer for bail but simultaneously submits that it is true that in the statement made under Section 164 of Cr.P.C. the alleged victim had not disclosed any occurrence took place with her and she has not supported the story of F.I.R..

In the present facts and circumstances and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Twenty

Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge-VIIth-cum- Special Judge (POCSO), West Champaran at Bettiah in connection with Balthar P.S. Case No. 08 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observations, the bail application is allowed.

(Dr. Anshuman, J.)

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