

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26895 of 2022

Arising Out of PS. Case No.-105 Year-2018 Thana- CHOUTARWA District- West
Champaran

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Sonu Kumar @ Satendar Son of Late Ganga Bal, R/o Bahadurpur, P.S.-
Parichhitgarh, District - Meerut (Merath), Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gaurav Prakash, Adv.

:

Mr. Sumit Shekhar Pandey, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

5 15-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with
Chautarwa (Bathwariya) P.S. Case No. 105 of 2018, lodged
under Sections 366(A)/34 of the Indian Penal Code,
subsequently charge sheet has been submitted under Section
363/366(A)/376/372/373/120-B of the Indian Penal Code read
with Section 5 of Immoral Traffic (Prevention) Act, 1956 and
Sections 4/12 of the POCSO Act.

As per prosecution case, the F.I.R. has been lodged
against 9 named accused persons to kidnap the daughter of
informant with a view to marry.

Learned counsel for the petitioner submits that
petitioner is not named in the F.I.R. He further submits that the

alleged informant/ victim is resident of West Champaran whereas the present petitioner is resident of Bahadurpur, District Meerut, State of Uttar Pradesh. Learned counsel also submits that after kidnapping, the alleged girl was recovered by the Police and recorded her Statement under Section 164 of Cr.P.C., in which she has narrated entire story. In her statement recorded under Section 164 of Cr.P.C. she has alleged against the present petitioner, that he has solemnized a false marriage with the informant and tortured her, subsequently due to his torture, she fled away and with the help of strangers returned to her house. Learned counsel for the petitioner submits that from her statement recorded under Section 164 of Cr.P.C., it transpires that the petitioner has not kidnapped the alleged victim/informant. He further submits that at worst in the name of false marriage he has tortured then also Section 366(A) shall not be attracted. Learned counsel also submits that petitioner is a man of clean antecedent, he is in custody since 16.03.2022 and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VII-cum-Special Judge (POCSO), West Champaran, Bettiah in connection with Chautarwa (Bathwariya) P.S. Case No. 105 of 2018, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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