

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40317 of 2021**

Arising Out of PS. Case No.-149 Year-2021 Thana- JOGAPATTI District- West Champaran

CHANDRA SHEKHAR @ CHANDAN PASWAN S/o Raj Mohan Paswan
R/o village- Jagiraha Pipara, P.S.- Yogapatti, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

4 29-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 08.04.2021, seeks
regular bail in connection with Yogapatti P.S. Case No. 149 of
2021 registered for offences punishable under Sections 363,
366(A)/34 of the Indian Penal Code and Section 12 of the
Protection of Children From Sexual Offences Act (hereinafter
referred as POCSO Act)

Prosecution case, in brief, is that on 06.04.2021, at
about 11:00 a.m., the daughter of the informant, aged about 13
years, went to attend the call of the nature towards the east of



her house then all of a sudden, all the F.I.R. named accused persons reached out there and abducted his daughter with the wrong intention of marriage. He tried his level best to find his daughter but failed.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in the present case. From the statement of the victim, it appears that the alleged occurrence has taken place in the house of the petitioner and as such Section 366 is not applicable in the present case. From the statement of the victim girl under Section 164 Cr.P.C., it appears that the victim has been assessed to be aged about 15 to 17 years old. She has denied the factum of any assault or rape or touch of her body by the petitioner. She admitted that the petitioner had only said “I Love You” to which she also exchanged the said and both were the good friends and just because the brother of the victim girl saw them the said fabricated case under section 354, 356 and section 12 of the POCSO Act has been lodged against the petitioner. He further submits that the petitioner is already in custody since 08.04.2021. It is further submitted that the petitioner is a student aged about 20 years and has a bright future. Family of the petitioner has already compromised with the informant and in



absence of any allegation of making advances for sexual relationship or harassment, the petitioner be released on bail.

Learned A.P.P., for the State submits that the victim girl has admitted the love relationship with the petitioner and there is no allegation of sexual harassment on the minor child who is aged about 15 to 17 years. However, taking into consideration her age, this is not a fit case to release the petitioner on bail.

Considering the facts and circumstances of the case, prima facie it appears that the victim is minor but she has not alleged about any sexual assault neither there is any allegation against the petitioner for the said act in her statement under Section 164 Cr.P.C. Both of them were in love relationship, the petitioner is a student aged about 20 years and has a bright future and from perusal of the medical report it transpires that no sexual assault has been committed upon the body of the victim girl, this Court is of opinion that the Court below shall take the statement of the victim girl, father of the victim, mother of the victim and all such witnesses he deems fit and arriving at considered opinion that it will not against the public interest, the petitioner, above named, be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with



two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-6th-cum-Special Judge (POCSO), Bettiah, District West Champaran in connection with Yogapatti P.S. Case No. 149 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

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