

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45190 of 2021**

Arising Out of PS. Case No.-41 Year-2021 Thana- BALTHAR District- West Champaran

LALAN SAH S/o ASARFI SAH R/o VILLAGE-BHAWRA, P.S-BALTHAR,
DISTRICT-WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Brajesh Kumar Singh
For the Opposite Party/s :	Mr.RAM SUMIRAN RAI
	Mr. BIMLESH KUMAR PANDEY

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 29-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Balthar P.S. Case No. 41 of 2021 for the offence punishable
under Sections 363 and 366A/34 of the Indian Penal Code and
Section 8 of the POCSO Act.

The allegation is of kidnapping of a 14 years old
daughter of the informant by one Chandan Kumar who is the
friend of the son of the petitioner. The victim in her statement
under Section 164 Cr.P.C. has made specific statement that she



was in love relationship with one Chandan who is the friend of the son of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that no specific allegation has been made against the petitioner who is the father of the friend of the Chandan with whom the victim girl in her statement under Section 164 Cr.P.C. has admitted that she was in love relationship. Petitioner has clean antecedent. Even remotely he cannot be held responsible either for kidnapping the minor daughter of the informant or having committed any physical or sexual assault. Petitioner is in custody since 15.04.2020.

Shri Bimlesh Kumar Pandey, learned counsel appearing on behalf of the informant has vehemently opposed the prayer for grant of bail to the petitioner. He submitted that instruction is that the trial has proceeded and is at its fag end and only I.O. has to be examined. Even though no allegation, prima facie, is made out against the petitioner either under Section 366 IPC or under provision of POCSO Act, the petitioner does not deserve to be released on bail. Learned A.P.P. has supported the submission made by the informant.

Having heard the submission of rival parties, on bare perusal of the allegation made in the F.I.R., it appears that



provision of Section 363 and 366A/34 is not attracted against the present petitioner, petitioner has simply been roped in the present case just because he happens to be the father of the friend of said Chandan with whom the victim girl has admitted in her statement under Section 164 Cr.p.C. that she is in love relationship and the petitioner is in custody since 15.04.2021, there is no allegation of tampering with the evidence or influencing the witnesses and trial is not likely to be concluded soon, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-VII cum Special Judge, POCSO, West Champaran, Bettiah in connection with Balthar P.S. Case No. 41 of 2021, subject to the following conditions:-

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

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

(3) 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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

Any observation made in this order shall not affect the conduct of the trial.

Prosecution is expected to participate in the trial on each and every date fixed in the trial.

(Purnendu Singh, J)

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