

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55253 of 2021

Arising Out of PS. Case No.-484 Year-2020 Thana- SIKARPUR District- West Champaran

CHHOTELAL SAH @ CHHOTELAL SAHNI S/o Satrudhan Sahni R/o
village- Maheshara, Malahi Tola, P.S.- Gopalpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Kishun Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 05-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Sanjeev Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Shikarpur P. S. Case No. 484 of 2020 registered for the offences punishable under Sections 363 and 366A of the Indian Penal Code and Section 8/12 of the Protection of Children from Sexual Offences Act.

As per the prosecution case, it is alleged that sixteen years old minor daughter of the informant was enticed



away by Chhotelal Sah and his wife. It is also alleged that the daughter of the informant also took away Rs. 10,000/- with her.

Learned counsel appearing on behalf of the petitioner submitted that from the F.I.R., it appears that the entire allegation of enticing and taking away the daughter of the informant appears to be false for the simple reason that during the course of investigation, the statement of the victim was recorded under Section 164 of the Cr.P.C. wherein she had stated that she went along with them to Harayana by taking her Aadhar Card and some cash amount. It is further submitted that the statement of the victim as well as the informant was also recorded under Section 164 of the Cr.P.C. wherein both of them have not even disclosed the name of the petitioner and any other accused persons nor they made any allegation of wrongful act against the petitioner. It is next submitted that the co-accused Ramita Devi having identical allegation has already been allowed the privilege of bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 5313 of 2021 vide order dated 20.09.2021. it is last submitted that the petitioner, having fair antecedent, is in custody since 29.06.2021 and moreover, after completion of the investigation, charge sheet has been submitted.



On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that the daughter of the informant supported the allegation in her statement recorded in terms of Section 164 of the Cr.P.C.

Regard being had to the statement of the victim as well as the informant recorded under Section 164 of the Cr.P.C. as also considering the period of incarceration and other materials came during the course of investigation, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional District and Sessions Judge-cum-Special Judge, POCSO, Bettiah, West Champaran in connection with Shikarpur P. S. Case No. 484 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of



trial.

- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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