

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.47451 of 2022**

Arising Out of PS. Case No.-52 Year-2022 Thana- BANDHUWA KURAWA District- Banka

Vishandeo Sah @ Bhushan Sah S/O Manoj Kumar Sah Resident of village-
Phaga Banka, P.S.- Bandhuwa Kurawa, District- Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ranjhan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Bandhuawa Kuraba P.S. Case No. 52 of 2022 registered for the offences punishable under Section 366A of the Indian Penal Code, Section 8 of POCSO Act. He is in custody since 17.06.2022. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, on 13.06.2022 at about 04:00 A.M. the daughter of the informant went to ease out but when after a longer period, she did not return, the informant started searching for her. In course of search, he came to know that one Vishundeo Sah



(petitioner) has abducted his daughter with intention to marry with her.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is in custody in connection with this case since 17.06.2022 having no criminal antecedent.

Learned counsel submits that the daughter of the informant and this petitioner has solemnised marriage and to that effect a marriage certificate is available on the record.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein, though the informant has stated that his daughter was 17 years old but the daughter of the informant has claimed her age as 19 years and the petitioner as well as the daughter of the informant are said to have married each other and to this effect a marriage affidavit is available on the record, in the nature of the allegations, there being no complaint by the victim girl that this petitioner had indulged in any indecent act, the petitioner has already remained in custody since 17.06.2022, he has otherwise no criminal antecedent and there is no submission that his release is likely to result in tampering with the evidence or interfering with the course of trial,



this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Spl. Judge (POCSO), Banka in connection with Bandhuawa Kurba P.S. Case No. 52 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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