

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50685 of 2022

Arising Out of PS. Case No.-180 Year-2021 Thana- CHOUTARWA District- West
Champaran

SONU MISHRA S/o Jata Mishra R/o village- Khardeur Mishra Tola, P.S.-
Chanpatia, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Zainul Abedin, Advocate
For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 363,
366(A)/34 of the Indian Penal Code and Section 8 of the
POCSO Act, in connection with Chautarwa (Bathwariya) P.S.
Case No. 180 of 2021.

As per the FIR, the informant, father of the victim
girl alleged that his minor daughter was taken away by the
petitioner herein who is brother of his sister's daughter-in-law.
When he tried to contact to his sister's house on phone, no
information was given and accordingly, the FIR was lodged.



Subsequently, the victim girl was recovered and she made deposition under section 164 of the Cr.P.C. which forms Annexure-2 to the present bail application wherein she has disclosed that he is married, 18 years of age and has further stated that she knew the petitioner herein since long and was in love with him and on 25.5.2021 she went at her own to Lauriya where she called Sonu Mishra (the petitioner herein) and later went to Uttar Pradesh where they resorted to Court marriage and later to Bettiah when she came to know that case has been registered.

Taking into account the aforesaid deposition of the victim girl where she disclosed her age to be 18 years, as aforesaid she called the petitioner and thereafter they went to Uttar Pradesh and got married, charge-sheet stands submitted and he is in custody since 28.6.2022 (as stated in para-17 of the bail application), this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of the learned Additional Sessions Judge-VIIth cum Special Judge (POCSO), West Champaran at Bettiah, in connection with Chautarwa



(Bathwariya) P.S. Case No. 180 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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