

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50769 of 2022

Arising Out of PS. Case No.-541 Year-2022 Thana- MUFFASIL District- West Champaran

HIRALAL SAH S/o Paras Sah R/o Village- Belwa Tola, P.S.- Mainatand,
District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Shyam Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 13-12-2022 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 on resumption of physical mode.

Heard learned counsel for the petitioner and learned A.P.P for the State.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 363 and 366A read with 34 of the Indian Penal Code and section 8 of the POCSO Act.

As per the prosecution case, the daughter of the informant was kidnapped by the petitioner and the co-accused persons with the intent of committing wrong acts with her. The petitioner always used to talk with the victim girl from his



mobile. When the informant came to know about the said occurrence, she went to the house of the accused petitioner and requested the co-accused persons to return the victim girl. The co-accused family members of the petitioner replied that the petitioner has brought the victim girl to solemnize marriage with her and drove the informant away. When the informant came back with her son and her husband, the co-accused persons told her that the petitioner has sent the victim to his friend Sanjay Kumar's house to teach her dance and further told her that she can go wherever she wants to go but she would not get the victim girl back.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel for the petitioner has further submitted that as per the medical report, there is no sign of recent sexual assault on the body of the victim. The victim in her statement under section 164 Cr.P.C. has not alleged any sexual act against the petitioner. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 06.07.2022.

Learned A.P.P. for the State has vehemently opposed



the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, West Champaran in connection with Bettiah (Muffasil) P.S. Case No. 541 of 2022.

The application stands allowed.

(Chandra Prakash Singh, J)

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