

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17471 of 2022

Arising Out of PS. Case No.-335 Year-2021 Thana- UJIYARPUR District- Samastipur

Baleshwar Das @ Fucho Das @ Pucho Das Son Of Late Nathuni Das
Resident Of Village - Balbhadrapur, P.S. - Ujijarpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 51065 of 2022

Arising Out of PS. Case No.-335 Year-2021 Thana- UJIYARPUR District- Samastipur

ANGAD DAS S/o Baleshwar Das @ Fucho Das @ Pucho Das @ Valeshwar
Das Chaupal R/o village- Balbhadrapur, P.S.- Ujijarpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 17471 of 2022)

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Md. Matloob Rab

(In CRIMINAL MISCELLANEOUS No. 51065 of 2022)

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 20-12-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with

Ujijarpur P.S. Case No. 335 of 2021, registered for the

offences punishable under Sections 363, 34 and 366(A) of

the Indian Penal Code and under Sections 8 and 12 of the



Protection of Children from Sexual Offences Act.

The prosecution story as emerges form the FIR is that on 03.11.2021 at about 05.30 P.M. when the informant came back from doctor after treatment of her daughter-in-law, she did not find her minor daughter in her house. Thereafter, she started searching her and during course of search, she came to know that the petitioners along with their associates have kidnapped her daughter with wrong intention.

Learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. He further submits that both petitioners are not named in the FIR and even as per the statement of the alleged victim as recorded under Section 164 Cr. P.C. the main allegation is against Pappu Kumar. He also submits that only allegation against Baleshwar Das @ Fuchu Das is that he did not allow the alleged victim to go to her mother and there is no allegation for commission of any other offence against him. So far as co-accused-petitioner Angad Das is concerned, there is no allegation against him except



her statement as recorded under Section 164 of Cr. P.C. that he was along with the accused Pappu Kumar while he was kidnapping her. He further submits that investigation in this case is complete and charge-sheet has already been submitted.

The petitioner, namely, Baleshwar Das @ Fucho Das has been languishing in jail since 14.02.2022 and petitioner, namely, Angad Das has been languishing in jail since 18.05.2022.

It is also stated in paragraph no. 2 of the petition that the petitioners have not moved earlier before this Court for grant of Anticipatory Bail or Regular Bial.

It has further been stated in paragraph no. 3 that the petitioners, namely, Baleshwar Das @ Fucho Das and Angad Das have one criminal antecedents.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs.



10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI, cum Special Court (POCSO), Samastipur in connection with Ujiyarpur P.S. Case No. 335 of 2021 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel



the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

Learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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