

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60865 of 2021

Arising Out of PS. Case No.-205 Year-2021 Thana- RAMGARHWA District- East
Champaran

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Niraj Pandey @ Neeraj Pandey, S/o Chandra Kishore Pandey @ Chand
kishore Pandey R/o Village- Gamhariya, P.S.- Raxaul, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 01-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Ramgarhwa P.S. Case No. 205 of 2021,
registered for the alleged offences under Sections 366 (A) and
34 of the Indian Penal Code and Section 8 of POCSO Act.

As per the prosecution case, the petitioner along
with co-accused persons kidnapped the minor daughter of the
informant.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The FIR has been registered after almost two months of the alleged date of occurrence. There is no specific allegation against this petitioner. The statement of witness, as described in the rejection order of learned Sessions Judge, is not believable that the father along with his two sons kidnapped the daughter of the informant. In fact, it is a case of love affair and the daughter of the informant eloped with the co-accused Dhiraj Pandey and this petitioner or his co-accused father has nothing to do with the occurrence. The charge sheet has been submitted in this case and the petitioner is in custody since 15.07.2021.

Learned APP opposes the prayer for bail submitting that the daughter of the informant is yet to be recovered and the petitioner is named in the FIR.

Perused the records.

Having regard to the facts and circumstances of the case and the submissions made hereinabove and further considering the lack of substantive evidence against the petitioner in the whole case diary and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the



like amount each to the satisfaction of learned Additional District and Sessions Judge-VII-cum-Special Judge, POCSO Act, East Champaran at Motihari, in connection with Ramgarhwa P.S. Case No. 205 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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