

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62741 of 2021**

Arising Out of PS. Case No.-9 Year-2018 Thana- KAMTAUL District- Darbhanga

LAL BABU @ LAL BABU SAHNI S/o Late Chandar Sahni R/o Village/
Mohallah- Nagda Balain, P.S.- Arer, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Aprajita, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 06-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of
Kamtaul P.S. Case No. 09 of 2018, disclosing offence
punishable under Sections 366-A, 363, 34 of the Indian Penal
Code.

The petitioner is said to be the elder brother of a co-
accused, who is said to have kidnapped the informant's minor
daughter for the purpose of marriage.

Learned counsel appearing on behalf of the petitioner
has submitted that the petitioner has been implicated solely
because he is a family member of the main accused. She
submits that the FIR was registered on 16.01.2018 and the



victim was recovered on 17.01.2018 itself whereas there is no specific date of occurrence mentioned in the FIR. More than five days after the alleged victim was recovered, her statement under Section 164 of the Cr.P.C. came to be recorded. The petitioner is in custody since 26.07.2021. She contends that in any event, no offence under the provisions of POCSO Act can be said to be made out against the petitioner and the specific allegation is against co-accused Chhotan Sahni.

Considering the facts and circumstances as noted above, in my opinion, a case for grant of regular bail is made out also for the reason that charge-sheet appears to have been submitted in this case upon conclusion of investigation. This application is accordingly allowed.

Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Exclusive Special Judge (POCSO Act) in Kamtaul P.S. Case No. 09 of 2018.

(Chakradhari Sharan Singh, J)

Rajesh/-

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