

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65799 of 2021

Arising Out of PS. Case No.-410 Year-2021 Thana- CHANPATIA District- West Champaran

Sheikh Md. Kaish Son of Sheikh Ali Manauar Resident of Village - Puraina
Gosai, Sheikh Toli Ward No.5, P.S.- Chanpatiya, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Adya Singh, Adv

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 12-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Chanpatiya P.S. Case No. 410 of 2021 lodged under Sections
366(A)/ 34 of the I.P.C. read with Sections 8 and 12 of the
POCSO Act.

As per the prosecution case, the informant has filed
criminal case against 3 named accused persons including the
present petitioner that they were all in connivance with each
other for kidnapping the grand daughter of the informant with a
view to marry.

Learned counsel for the petitioner submits that the

petitioner is innocent and has committed no offence. He further submits that the alleged victim girl has been recovered and she has adduced her evidence under Section 161 of Cr.P.C. as well as before the Executive Magistrate under Section 164 of Cr.P.C. In her statement before the police as well as the Executive Magistrate, she has not disclosed any adverse against the present petitioner. He further submits that petitioner is in custody since 20.08.2021 having clean antecedent. He is ready to fulfill all the conditions whatsoever shall be imposed upon him.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Spcl. Judge POCSO -cum- Addl. District and Sessions Judge, VIth Bettiah (West-Champaran) in connection with Chanpatiya P.S. Case No. 410 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date

fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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