

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69727 of 2021

Arising Out of PS. Case No.-139 Year-2021 Thana- BARBIGHA District- Sheikhpura

Chhotan Nonia S/o Late Suraj Nonia Resident of Village- Belao, P.S.-
Barbigha, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Anjani Pd. Singh, Advocate

For the Opposite Party/s : Ms. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Barbigha
P.S. Case No. 139 of 2021 registered for the offence under
Sections 366, 323, 504 and 34 of the Indian Penal Code and
vide order dated 07.09.2021 Sections 366A of the Indian Penal
Code and Section 8 of the POCSO Act read with Section 3(1)(r)
(s)(w)(I)(w) and 3(2)(va) of SC/ST (POA) Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.09.2021.

The allegation against the petitioner is to kidnap the
daughter of the informant, aged about 18 years, alongwith other



co-accused person/family members, for the purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner submitted that the thrust of allegation of kidnapping is available against the son of the petitioner and for the only reason as son of the petitioner is the main accused, petitioner has been falsely implicated in the present case, who is otherwise a man of clean antecedent. It is pointed out that nothing incriminating was stated by the victim against this petitioner, while recording her statement u/s 164 of the Cr.P.C. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as nothing incriminating was stated by the victim against this petitioner, while recording her statement u/s 164 of the Cr.P.C. in the background as thrust of allegation is available against son of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above



named, is directed to be released on bail in connection with Barbigha P.S. Case No. 139 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-VI, Sheikhpura/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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