

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70087 of 2021

Arising Out of PS. Case No.-91 Year-2020 Thana- TETERHAT District- Lakhisarai

Musha Sah @ Md. Sah Son of Late Ahmad Sah Marhum Resident of Village -
Maafdi, P.S.- Halsi, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No1, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 09-11-2022 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.

In the present case, the petitioner seeks bail in
connection with Taterhat P.S. Case No. 91 of 2020 registered for
the alleged offences under Sections 366(A) and 34 of the Indian
Penal Code and Section 8 of the POCSO Act.

As per prosecution case, the petitioner and other co-
accused persons enticed away the minor daughter of the
informant with the purpose of marriage.

The learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. For an occurrence dated 18.09.2020, the FIR has been



registered on 21.09.2020 and this delay creates doubt over the prosecution case. From the written report, it is also apparent that the victim girl herself went out of her house with intention to marry the petitioner. The statement of the victim girl was recorded under Section 164 Cr.P.C. and she has not stated about any sexual assault. The petitioner is in custody since 02.01.2021 and even after framing of charge sheet long time back there is no chance of conclusion of the trial in near future. The petitioner has got no criminal antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner enticed away the daughter of the informant for the purpose of marriage and she was recovered by the West Bengal Police.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the victim girl went out on her own and further considering her subsequent conduct and also considering the period of custody of this petitioner along with his clean antecedent, the petitioner above named 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-I,



Lakhisarai in connection with Taterhat P.S. Case No. 91 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be 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)

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