

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71854 of 2021

Arising Out of PS. Case No.-394 Year-2021 Thana- SURSAND District- Sitamarhi

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SANJAY DAS Son of Yogi Das Resident of Village- Heropatti (Meropatti),
P.S.- Bispi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Madhubala Verma, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 04-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Sursand
P.S. Case No. 394/2021 registered for the offences punishable
under Sections 366(A)/34 of the Indian Penal Code and Section
4 of the POCSO Act.

As per prosecution case, on 10.08.2021 the daughter
of informant aged about 16 years had gone to market but she did
not come back thereafter, the informant searched his daughter,
during course of search, he got knowledge that one Sanjay Das
(petitioner) with the help of his family members kidnapped his
daughter for the purpose of marriage and at present they all are



living at Pupri. Thereafter, the informant went to the Pupri and several times Panchayati was held but for the same did not succeed.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 16.09.2021 and bears no criminal antecedent. He further submits that from perusal of FIR, it is evident that the alleged occurrence took place on 10.08.2021 but the case has been lodged on 24.08.2021 and there is inordinate delay in lodging the present case. The petitioner was apprehended on 15.09.2021 as mentioned in para 25 of the case diary and the victim girl was also recovered on 29.10.2021 from Sursand Tower Chawk not from the house of petitioner and his family members which is mentioned in para 41 of the case diary.

Learned counsel for the petitioner further submits that after recovery of the victim girl her statement was recorded under Section 164 Cr.P.C. by the learned court below in which she has categorically stated that no one has kidnapped her and she went to the house of the petitioner on her own violation. He further submits that it is evident that the entire prosecution story is false and fabricated, as such no case under Section 366(A) is



made out against the petitioner. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted, statement of victim recorded under Section 164 Cr.P.C., she categorically denied that involvement of anyone in alleged occurrence and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail 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 and Sessions Judge VI cum Special Judge, Sitamarhi, in connection with Sursand P.S. Case No. 394/202, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates



would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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