

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11646 of 2022

Arising Out of PS. Case No.-48 Year-2020 Thana- BALTHAR District- West Champaran

Sonu Kumar @ Sonu Patel Son Of Buchi Patel Resident Of Village-
Lachhanauta, P.S.- Sathi, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Devi W/O Sitarm Giri Resident Of Village- Dhankutuba, P.S.- Balthar,
District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 15-02-2023 Let the defect(s), if any, pointed out by the office

be removed within two weeks from the date of this order, failing

which the matter be listed again under the appropriate heading

for necessary action.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Balthar P.S. Case No. 48 of 2020 registered for the offences
punishable under Sections 366(A), 380 and 34 of the Indian
Penal Code and Section 8 of the POCSO Act.

As per the prosecution, the informant's minor
daughter aged about 14 years was kidnapped by the accused



persons named in the FIR. It is further alleged that the victim took away Rs.14,000/- cash and some gold ornaments.

The main submissions advanced by the learned counsel Mr. Ritesh Kumar for the petitioner are that the petitioner is not named in the FIR and as per victim's statement recorded before the Judicial Magistrate, she was recovered from the house of her own aunt and the petitioner has been languishing in jail since 27.12.2020 and in the medical examination no any evidence to corroborate the allegation of rape was found by the doctor concerned. Further submission is that the petitioner's trial has not started till now.

Learned APP Mr. Ajay Kumar Jha appearing for the State has opposed the bail prayer and submitted that the petitioner is the main accused and against him there is a serious allegation.

Heard both the sides and perused the FIR and the Case Diary of this case.

Considering the above submissions as well as the petitioner's custody period which has been more than two years and as per above submission the petitioner's trial has not started till now and he has fair and clean antecedent and he is stated to be 18 years old as per his submission, in the opinion of this



Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Balthar P.S. Case No. 48 of 2020.

(Shailendra Singh, J)

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