

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9548 of 2023

Arising Out of PS. Case No.-479 Year-2020 Thana- HARSIDHI District- East Champaran

JAI PRAKASH SAHANI @ OM PRAKASH KUMAR @ JAI PRAKASH
SAHNI S/O AMAR SAHANI R/v- Dhab Tola, Kadhiya, P.S.- Harsidhi,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection with Harsidhi P.S. Case No.479 of 2020 instituted under Sections 363, 366(A), 34 of the Indian Penal Code and Sections 8 and 12 of POCSO Act lodged on 15.11.2020 by the informant Nand Kishore Das.

As per the FIR, the informant alleged that his daughter was missing and further had suspicion that as earlier there had been some scuffle with the accused persons, they may have kidnapped the victim girl and sold her in a brothel. Accordingly, the FIR.

Learned counsel for the petitioner submits that



petitioner is in custody since 19.01.2023, he do not have criminal antecedent and one of the co-accused Vinay Kumar has been granted bail vide order dated 16.05.2022 in Cr. Misc. No.36270 of 2021.

Considering the fact that he is in custody since 19.01.2023 (as stated in para-12 of the petition), do not have criminal antecedent and one of the co-accused Vinay Kumar has been granted bail (as would reflect from Annexure-3 of the petition vide Cr. Misc. No.36270 of 2021) this Court is inclined to extend him to privilege of bail. If, however, it is found that he has criminal antecedent the bail application shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Harsidhi P.S. Case No.479 of 2020 to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, POCSO, Motihari, East Champaran, subject to following conditions:

- (i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;
- (ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

U		T	
---	--	---	--

