

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24341 of 2023

Arising Out of PS. Case No.-142 Year-2021 Thana- RAJEPUR District- East Champaran

LAKHINDRA BAITHA Son of Pavitra Baitha @ Pavita Baitha @ Pavot
Baitha R/V- Bariyara, PS-Rajepur Dist- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 18-05-2023 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Rajepur P.S. Case no. 142 of 2021 registered under sections 363, 354B, 120B and 34 of the Indian Penal Code, sections 8 and 12 of the POCSO Act and section 3(i)(r)(s)(w)(i) of the SC/ST Act.

3. As per the prosecution case, the daughter of the informant was kidnapped by the four named accused persons namely Abhisek Kumar, Chulahi Kumar, Amit Kumar and Paltu Bhagat. The informant states that the occurrence was given effect to at the instance of the petitioner. His daughter who was a 15 year old minor was misbehaved with.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the case. Even as per the statement in the FIR no overt act has been alleged against him except that the occurrence was given effect to by the four named accused persons at his instance. It is further submitted that inspite of the occurrence having taken place at about 10.30 pm on 20.9.2021 and the police station being at a distance of only 13 km, information was given to the police station on 21.9.2021 at 3 pm. The petitioner is in custody since 16.2.2023 and charge sheet has been submitted in the case. He has no criminal antecedent. It is submitted that as per instructions received, even in her statement under section 164 Cr.P.C, the only allegation made against the petitioner is that the occurrence was given effect to by the four accused persons at the instance of the petitioner.

5. Heard learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner in the FIR, the main allegation being against the four named accused namely Abhisek Kumar, Chulahi Kumar, Amit Kumar and Paltu Bhagat, the petitioner being in custody since 16.2.2023, investigation in the case having concluded with submission of charge sheet and the petitioner not having any



criminal antecedent, the Court directs the petitioner to be enlarged on bail in connection with Rajepur P.S. Case no. 142 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 the learned 7th Additional District and Sessions Judge-cum-Special Judge POCSO Act, East Champaran at Motihari.

(Partha Sarthy, J)

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