

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27638 of 2023

Arising Out of PS. Case No.-580 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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Roop Lal Sahani Son Of Ram Lakhan Sahani Resident Of Village-
Lakhawara Purwari Tola, Ps- Lakhaura Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Adv.
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 06-06-2023 Let the defect(s), if any, be removed within two
weeks from today.

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

The petitioner seeks regular bail in connection with
Muffasil [Lakhaura] P.S. Case No. 580 of 2022 registered on
07.08.2022 lodged under Sections 363, 366[A]/34 of the I.P.C.
and Section 8 of POCSO Act.

As per the prosecution case, F.I.R. lodged against
seven named accused persons, alleging that they have
kidnapped the minor girl of the Informant in the morning hours
of 12.06.2022, when she went for natural call. Subsequently, the
Informant filed the case.

Learned counsel for the petitioner submits that from the content of the F.I.R. it is crystal clear that the date of occurrence is 12.06.2022 but F.I.R. was lodged on 07.08.2022. Counsel for the petitioner submits that there was admittedly a land dispute going on between the Informant and the accused family and with a view to create pressure the case was lodged against the accused party and the accused party had smell the foul play and filed an Informatory petition, which is annexed in Annexure-2, dated 20.11.2021 and again on 14.07.2022, in which they have raised apprehension that they may be involved in false criminal cases.

Counsel for the petitioner submits that both the Informatory petitions were filed prior to filing of the date of occurrence i.e. 12.06.2022. Counsel further submits that anticipatory bail petition was also filed by the petitioner but during pendency he was apprehended by the police due to which his anticipatory bail petition became infructuous.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees

Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-Cum-Special Judge, POCSO Motihari, East Champaran in connection with Muffasil [Lakhaura] P.S. Case No. 580 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

Ashishsingh/-

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