

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27157 of 2023

Arising Out of PS. Case No.-198 Year-2022 Thana- KHAGAUL District- Patna

RADHE SHYAM @ RADHY SHYAM SAHNI SON OF ANIL KUMAR
SAHNI R/O BANDARMULLA, BHAGWANPUR, P.S.- PAKRIDAYAL,
DISTRIT- MOTIHARI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Khagaul
P.S. Case No. 198 of 2022 registered for the offence under
Sections 363, 365, 34 of the Indian Penal Code and Sections 8 and
12 of the POCSO Act.

The petitioner along with another alleged to have
abducted the minor daughter of the informant by alluring her.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the allegation, as alleged in the
F.I.R., is false and fabricated and the petitioner has not committed
any offence. He further submits that the victim has been
recovered and her statement was recorded under Section 164



Cr.P.C. in which she has not stated that the petitioner has committed anything wrong with her. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. Moreover, co-accused, Chandra Shekhar Kumar @ Chandrashekhar Kumar Sah having more or less similar allegation has already been granted bail by a co-ordinate Bench of this Court vide order dated 28.04.2023 passed in Cr. Misc. No. 70801 of 2022. The petitioner is rotting in judicial custody since 17.07.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, 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 learned Additional Sessions Judge-7th -cum- Exclusive Special Court (POCSO) Act in connection with Khagaul P.S. Case No. 198 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.



(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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