

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51012 of 2023

Arising Out of PS. Case No.-168 Year-2016 Thana- SHEOHAR District- Sheohar

Shambhu Sah Son Of Phudai Sah R/O-Sugiya Katsari, P.S.-SHEOHAR,
Distt.-SHEOHAR

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr. Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 17-08-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

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

3. The petitioner has preferred this application for grant of regular bail in connection with Sheohar P.S. Case No. 168 of 2016 dated 23.09.2016 registered for the offences punishable u/ss 365, 366, and 366A read with section 34 of the Indian Penal Code and Section 4 of the POCSO Act.

4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have kidnapped the minor daughter of the informant.



5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Earlier the petitioner was granted bail by the co-ordinate bench of this court *vide* order dated 18.04.2017 passed in Cr. Misc. No. 11282 of 2017 as the petitioner jumped bail on 31.01.2023. Learned counsel has further submitted that the bail bonds of the petitioner were cancelled due to non filing of *pairvai*. It is further submitted that the petitioner is poor and illiterate and he had gone out of state to earn his livelihood and he had no knowledge about the status of case. The petitioner has clean antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the bail bonds of the petitioner were cancelled on 31.01.2023 and earlier his bail bonds were also cancelled on 01.08.2019. It is further submitted that it is a case of misuse of privilege of bail.

7. Considering the aforesaid facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Sheohar in connection with Sheohar P.S. Case No. 168 of 2016, with the



following condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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