

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52204 of 2023

Arising Out of PS. Case No.-86 Year-2023 Thana- SIKARPUR District- West Champaran

Santosh Patel Son Of Prabhu Patel Resident Of Village- Anjua, Ps- Shikarpur,
Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-08-2023 Heard Mr. Sanjeev Kumar, learned counsel for the
petitioner and learned APP for the State.

2. The Petitioner is apprehending his arrest in connection with Shikarpur P.S. Case No.86 of 2023, registered for the offences punishable under Sections 346, 467, 370A, 372A, 373, 34, 120B of the Indian Penal Code, Sections 8, 12 of the Protection of Children from Sexual Offences Act, 2012, Section 75 and 79 of Juvenile Justice Act and Sections 16, 17 and 18 of the Bounded Labour Act, 1976.

3. Allegedly, in course of raid conducted by Child Welfare Committee, one minor girl was unbounded from Anjua Sugauli Orchestra and the petitioner is said to be co-owner of the said orchestra.

4. Learned counsel appearing on behalf of the



petitioner submits that in fact from the materials available on record and the narration of FIR, it appears that on the alleged date of occurrence three other girls were unbounded from another orchestra, but the informant has not disclosed that which of the victim girl was recovered from the petitioner's orchestra. That apart, out of four victim girls, the learned Magistrate in course of recording their statement under Section 164 of Cr.P.C. assessed the age of three victims as 18 to 19 years. He next submits that the victim girls have not made any complaint against the petitioner or any other persons in their statement recorded under Section 164 of Cr.P.C. He further submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation/proceeding of the Court and will not indulged in intimidating the witnesses or tempering the evidence.

5. On the other hand learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the victim girls recorded under Section 164 of Cr.P.C. and the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the



learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-VII-cum-Special Judge, POCSO, Bettiah, West Champaran in connection with Shikarpur P.S. Case No.86 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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