

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51739 of 2023

Arising Out of PS. Case No.-676 Year-2022 Thana- MAJHAULIA District- West Champaran

Kishor Sahni @ Kishor Chaudhary Son Of Ram Sakal Sahni Resident Of
Village - Senwariya, Tola - Gora Semara, P.S. - Majhauria, District - West
Champaran

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-08-2023

Heard the parties.

The petitioner is in custody in connection with
Mjhauria P.S. Case No. 676 of 2022 for the offence under
sections 341, 346, 347, 376, 120(B), 506 of the Indian Penal
Code and 4/6 of POCSO Act lodged on 14.09.2022 by the
informant, Manju Devi.

As per the prosecution story, the informant alleged
that the victim girl went to purchase medicine but failed to
return and four days later, she came and informed that she was
confined in the house of Manoj Das by his wife. Subsequently,
this petitioner brought a Scorpio in which one Pramod Sah was
sitting, she was made to wear a 'saree' and thereafter, allegation
is that Pramod Sah did wrong with the victim.



The further allegation is that this petitioner subsequently, joined them and before putting her in a bus, threatened of dire consequences, if allegation is made against them. Accordingly, the F.I.R.

It is the case of the petitioner that admittedly the occurrence is of 08.09.2022, till the victim returned on 12.09.2022, no information was given to the Police by the informant. Even according to the prosecution story, she returned on 12.09.2022, the informant took another forty-eight hours and finally, on 14.09.2022, the F.I.R. lodged.

It is his further case that the wrong act is attributed to Pramod Sah and he further claims that though, a different picture has been narrated, the victim girl was in relationship with Pramod Sah.

His last submission is that the petitioner is in custody since 07.07.2023 (as stated in paragraph 14 of the petition).

Learned APP opposes the prayer for bail stating that his role of aiding and abating cannot be ignored.

Considering the submissions put forward by the learned counsel for the petitioner as also the delay in lodging of the F.I.R., main allegation is against Pramod Shah, F.I.R. lodged and ultimately will have to face the trial, is in custody since



07.07.2023, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, POCSO-cum-A.D.J.-VI, Bettiah, in connection with Mjhauliya P.S. Case No. 676 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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