

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56430 of 2023

Arising Out of PS. Case No.-198 Year-2021 Thana- CHAND District- Kaimur (Bhabua)

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SANJAY KHARWAR S/O JAG MOHAN KHARWAR R/O VILLAGE-
SONHAN, P.S- SONHAN, DISTT.- KAIMUR AT BHABHUA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 22-09-2023 Heard the parties.

2. The petitioner is in custody in connection with
POCSO Case No. 05 of 2022 arising out of Chand P.S. Case No.
198 of 2021 for the offence under Sections 366(A) and 34 of the
Indian Penal Code lodged on 10.10.2021 by the informant,
Shirun Bibi.

3. As per the allegation in the FIR, the informant
alleged that her 16 years old daughter had gone to purchase
vegetable but thereafter she failed to return and further alleged
that one Lala Bind of Gajipur Modi is the person behind her
disappearance. Accordingly, the FIR was lodged.

4. Earlier the case of the petitioner was heard and
rejected on 11.08.2022 in Cr. Misc. No. 25428 of 2022.

5. Again, a fresh application has been preferred
whereafter a report was called for, which has since been



received vide Letter no. 98 dated 02.09.2023 according to which, charges were framed against the petitioner.

6. It is the case of the petitioner that he is not the main culprit and is ready to abide by all the terms and conditions, all others have been granted bail and the petitioner is in custody since 09.01.2022 (as stated in paragraph 15 of the bail application).

7. Learned APP for the State, on the other hand, opposes the prayer for bail.

8. Taking into account the submissions put forward by the learned Counsel for the petitioner as also the fact that he has remained in custody for more than one and half year and is ready to diligently appear in trial, this Court is inclined to extend him privilege of bail.

9. 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 Additional Sessions Judge-VIII cum Special Judge, (POCSO), Kaimur at Bhabhua in connection with POCSO Case No. 05 of 2022 arising out of Chand P.S. Case No. 198 of 2021 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 bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so 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 month till the conclusion of the trial 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.

10. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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