

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61284 of 2022

Arising Out of PS. Case No.-101 Year-2022 Thana- SAHIYARA District- Sitamarhi

Harichan Baitha @ Harichandra Baitha Son of Late Rameshwer Baitha , aged about 68 years, Male, Resident of Village- Kodwara, P.S.- Sahiyara, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Mishra, Adv.
For the State	:	Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-02-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Sahiyara P.S. Case No.101 of 2022, registered for the offence punishable under Sections, 363, 366A/34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (*for brevity 'POCSO Act'*).

At around mid night, it is alleged that one Shradha Devi has knocked on the door of the informant's house. On the door being opened, the named accused persons have forcibly entered into the house and lifted the minor daughter of the informant. From the First Information Report (*for brevity FIR*), it appears that specific allegation of taking the informant's daughter away is against co-accused, namely, Arun Baitha and Rajiv Baitha. Against Arun Baitha, there is also allegation that earlier also he was molesting his daughter which was being opposed by the informant.

Learned counsel for the petitioner submits that being a family member of co-accused, namely, Arun Baitha, the petitioner has been implicated. He has no antecedents and no specific allegation has been attributed against the petitioner though specific allegations have been levelled against other co-accused persons. In fact, petitioner's



implication is by virtue of his relationship with co-accused, namely, Arun Baitha and Rajiv Baitha. The petitioner is aged about 68 years and has, thus, become victim of the circumstances. It is further submitted that investigation is complete.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, nature of accusations, petitioner's custody since 23-08-2022 viewed keeping in background his age and clean antecedents as also the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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 the learned Additional Sessions Judge- VI-cum-Special Judge (POCSO Act), Sitamarhi/ or the concerned Court, in connection with Sahiyara P. S. Case No.101 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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