

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62711 of 2022

Arising Out of PS. Case No.-497 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Munna Sharma Son of Brahmanand Sharma R/V- Govinchak @ Gobind
Chak, P.S- Sonapur, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-02-2023 Let the defect(s), if any, be removed within two weeks

from today.

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

The petitioner seeks regular bail in connection with
Motihari Town P.S. Case No. 497 of 2022 lodged under Sections
366(A), 363/34 of the I.P.C. read with Sections 8 and 12 of the
POCSO Act.

As per the prosecution case, the F.I.R. has been
lodged against 3 unknown persons including the present
petitioner alleged therein that his minor daughter age about 13
years has been kidnapped by the accused persons with illegal
motives.

Learned counsel for the petitioner submits that
petitioner's son and wife all were made accused only on the
basis of suspicion. Counsel further submits that the petitioner's
son, namely, Sumit Kumar is also missing from the same date of
occurrence and further he has filed a criminal case of

kidnapping on 16.07.2022 itself against unknown.

Counsel submits that both the F.I.R. were lodged on the same date, one by the father of the victim girl and separate F.I.R. (Sonapur P.S. Case No.509 of 2022) lodged by petitioner against unknown. Counsel submits that on joint reading of the F.I.R., it transpires that both daughter of the informant and son of the petitioner become traceless on the said date 09.07.2022 for which both parties have filed separate F.I.R. Counsel submits that antecedent of the petitioner is clean and he is in custody since 06.08.2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 6th Addl. Sessions Judge- cum-Special Judge POCSO, Motihari, East Champaran in connection with Motihari Town P.S. Case No. 497 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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