

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70213 of 2022

Arising Out of PS. Case No.-498 Year-2022 Thana- DHAKA District- East Champaran

RAJESH SAH @ RAJESH KUMAR SAH S/o Ram Sagar Sah R/v-
Sorpaniya, P.S.- Dhaka (Pachapakri O.P.), District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Dhaka
(Pachpakari O.P.) P.S. Case No. 498 of 2022 dated 11.08.2022
registered for the offence under Sections 366A and 34 of the
Indian Penal Code.

The daughter of the informant is alleged to have been
enticed away by petitioner and other accused persons named in
the F.I.R.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case only on the ground that
the petitioner happens to be brother-in-law of the co-accused,
namely, Indal Kumar Sah. He further submits that it appears from



the F.I.R. that no specific allegation of assault or any overt act is attributed to the petitioner. He further submits that the victim in her statement recorded under Section 164 Cr.P.C. has categorically stated that she fled away from her house with the co-accused, Indal Kumar Sah to Nepal. She has also stated that she performed marriage with the co-accused, Indal Kumar Sah with her own will and volition and she is residing happily with her husband. This petitionr has not played any role in the alleged occurrence, therefore, no case under Section 366A of the Indian Pena Code is made out against the petitinoer. The petitioner is rotting in judicial custody since 16.08.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Special Judge, POCSO, East Champaran in connection with Dhaka (Pachpakari O.P.) P.S. Case No. 498 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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