

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80842 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- KANGLI District- West Champaran

Birbali Sah S/O Late Chani Sah R/O Village- Bahuarwa Sabithwa, Ps.
Kangali, Dist. West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sujeet Kumar

For the Opposite Party/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 363 and 366 (A) of the Indian Penal Code, Sections 8 and 12 of the the POCSO Act and Section 3(i)(r)(s) and 3(ii)(va) of the SC/ST Act.

As per FIR, the allegation against the accused persons including this petitioner is that they abducted the daughter of the informant for the purpose of prostitution.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to business rivalry. No one is the eye witness of the alleged occurrence. The F.I.R. has been lodged after the delay of 5 days. Good sense has been prevailed



between the parties. The compromise petition has been submitted by learned counsel for the petitioner in course of the day. As per medical report of the victim, there is no sign of sexual assault. There is no any consistent evidence against the petitioner to show his complicity in the alleged occurrence. It is further submitted that the petitioner had surrendered on 19.09.2023 and since then he is languishing in judicial custody.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kangali P.S. Case No. 30 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned court below.

(Sunil Kumar Panwar, J)

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