

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74731 of 2022**

Arising Out of PS. Case No.-319 Year-2021 Thana- MUFFASIL District- West Champaran

LALBABU DAS S/O SAHEB DAS R/v- Yogapatti, Bistrampur, P.S.-  
Yogapatti, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      04-05-2023                      Heard learned counsel for the petitioner, le and  
learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
26.11.2022 in connection with Bettiah Muffasil (Banuchapar  
O.P.) P.S. Case No. 319 of 2019, F.I.R. dated 11.05.2021 for the  
offences punishable under Section 366A of the Indian Penal  
Code and Section 8 of POCSO Act.

According to prosecution case, in brief, is that on the  
basis of written statement of the informant namely, Basudev Das  
@ Basdev Yadav is that on 09.05.2021 at 11.30 P.M., the  
informant's grand daughter, Anjali Kumar (the victim) aged  
about 13 years, was enticed away by the petitioner, who is a  
relative of the informant, to his home.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and the victim girl was recovered and her statement was recorded under Section 164 of Cr.P.D. in which she has not supported the allegation as alleged in the F.I.R. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 26.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 Special Judge, POCSO-cum-A.D.J.-VI, Bettiah, West Champaran in connection with Bettiah Muffasil (Banuchapar O.P.) P.S. Case No. 319 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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