

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10221 of 2024

Arising Out of PS. Case No.-516 Year-2023 Thana- CHANPATIA District- West Champaran

HEERALAL SAH S/o Badhu Sah Resident of Village-Puraina Turhatoli Ward
No. 2, P.S.-Chanpatia, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Pandey, Advocate
For the Informant	:	None
For the Opposite Party/s	:	Mr.Ram Bilash Roy Raman, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 08-05-2024 No one appears on behalf of opposite party no.2

despite valid service of notice.

2. Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

3. The petitioner seeks bail in connection with
Chanpatiya P.S. case No. 516 of 2023 instituted for the offences
under Sections 366A, 504, 506/34 of the Indian Penal Code and
Section 8/12 of the POCSO Act.

3. Prosecution case, in short, is that the petitioner had
kidnapped the daughter of the informant on the pretext of
marriage.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. He



further submitted that petitioner has not committed the offence as alleged in the FIR rather he has been falsely implicated in the present case due to village politics. He further submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has not whispered anything against the petitioner. Learned counsel further submitted that as per medical report, there is no recent sexual assault. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 27.08.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that this petitioner kidnapped the minor girl on the false pretext of marriage.

6. Considering the aforesaid facts and circumstances of the case, statement as well as medical report of the victim as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Chanpatiya P.S. case



No. 516 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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