

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11529 of 2024

Arising Out of PS. Case No.-206 Year-2023 Thana- SHAHKUND District- Bhagalpur

Vibhash Kumar Sah @ Chikku Son Of Sonelal Sah Resident Of Village-
Kishanpur Amkhoriya, Ps- Sahkund (Sajour), Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indeshwari Mandal

For the Opposite Party/s : Mr.Nawal Kishore Prasad

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 04-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sahkund (Sajour) P.S. Case No. 206 of 2023 instituted for the offence punishable under Sections 366(A)/34 of the Indian Penal Code and Section 8 of the POCSO Act but charge sheet has been submitted U/s 366(A) of I.P.C. and Section 8 of POCSO Act.

3. As per the prosecution case, the petitioner and other accused persons have abducted the minor daughter of informant for the purpose of marriage while she had gone to visit *mela* (fair).

4. Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The victim girl was recovered and her statement was recorded u/s 164 of Cr.P.C. wherein she has not supported the prosecution case. Petitioner has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. From perusal of the F.I.R. and statement of the victim recorded u/s 164 of Cr.P.C., it appears that the informant is not the eye witness of the alleged occurrence. The victim girl in her statement recorded u/164 of Cr.P.C. has not supported the prosecution case and stated that she went to Mumbai with the petitioner with her own sweet will and solemnized marriage with him and she was living with him. She has not raised any finger against the petitioner for any overt act. From perusal of the certified copy of the compromise petition which is annexed as Annexure-3 to this petition, it appears that both parties entered into a compromise and all the differences have been shorted out between them after compromise. It is also submitted that the informant who is father of the victim is present before this Court and has also supported the compromise. Petitioner is in custody since 18.08.2023, accordingly the prayer for bail of the



petitioner is allowed. Let the petitioner above named 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 the learned Exclusive Special Judge (POCSO)-cum-7th Additional District and Sessions Judge, Bhagalpur in connection with Shakund (Sajour) P.S. Case No. 206 of 2023.

(Ramesh Chand Malviya, J)

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