

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19195 of 2023

Arising Out of PS. Case No.-97 Year-2017 Thana- LAKHISARAI District- Lakhisarai

Shiv Datt Sao Son of Birendra Sah R/v- Jhinora, P.S.- Tetarhat (Lakhisarai)
District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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

ORAL ORDER

8 23-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. Perused the explanation submitted by the Learned
Court below. The same is satisfactory and is hereby accepted.

3. The petitioner seeks bail in Lakhisarai (Kabaiya)
P.S. Case No. 97 of 2017, instituted for the offences punishable
under Sections 366(A), 120(B) of the Indian Penal Code and
Section 8 of the POCSO Act.

4. The prosecution case, in short, is that, the victim
girl went to give her matric examination but she did not return
back to her house and it is alleged by the informant that
Chandan Yadav has kidnapped the victim girl.

5. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. The victim girl was recovered on the next day of alleged occurrence. In her statement recorded under Section 164 of the Cr.P.C., the victim girl stated about her kidnapping by Chandan Yadav and the petitioner but she has not stated anything about any kind of misbehavior against anyone. The petitioner has no criminal antecedent as has been stated in paragraph no. 3 of the present bail application and is languishing in judicial custody since 29.03.2022. Charge-sheet has already been submitted in the present case. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by a Division Bench of this Court vide order dated 11.05.2022 passed in Cr. Appeal(DB) No. 275 of 2019.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. This Court also perused the statement recorded under Section 164 of the Cr.P.C and the medical report of the victim in which no sign of violence or struggle were noted and no any sign of sexual intercourse was mentioned.

8. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody



undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

9. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Lakhisarai (Kabaiya) P.S. Case No. 97 of 2017.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

