

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32161 of 2024

Arising Out of PS. Case No.-286 Year-2021 Thana- HARSIDHI District- East Champaran

1. Shamsher Alam Son of Rasul Mian Resident of Village- Sonvarsa, P.S.- Harsidhi, Dist.- East Champaran
2. Shyam Sahani Son of Briksha Sahni @ Vriksha Sahani Resident of Village- Sonvarsa, P.S.- Harsidhi, Dist.- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shoshila Devi Wife of Prem Ram Resident of Village- Sonvarsa, P.S.- Harsidhi, Dist.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh
For the Opposite Party/s : Mr. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-05-2024 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are languishing in custody in a case registered for the offences punishable under Sections 363, 366(A), 34 of the Indian Penal Code, Sections 8, 12 of the POCSO Act and Sections 3(i)(r)(s) of the SC & ST (POA) Act.

It is a case of commission of kidnapping of the minor daughter of the informant.

It is submitted by learned counsel for the



petitioners that petitioners are innocent and they have falsely been implicated in this case. The petitioner No. 1 is alleged to have demanded Rs. 50,000/- from the informant for getting information about the victim but there is no proof that informant has paid any money to the petitioner No. 1. The petitioners have been implicated in this case only on the basis of suspicion. The victim in her statement recorded under Section 164 Cr.P.C has not alleged any physical or sexual assault against the petitioners and there is general and omnibus allegation against the petitioners. The petitioners are languishing in custody since 09.02.2024. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent. Moreover, other similarly situated co-accused has been granted bail vide order dated 03.01.2024 passed in Cr. Misc. No. 65763 of 2023.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of



the petitioners.

Considering the facts aforesaid and the period under custody, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran at Motihari in connection with Harsidhi P.S. Case No. 286 of 2021.

(Sunil Kumar Panwar, J)

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