

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38241 of 2022

Arising Out of PS. Case No.-264 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

MEWALAL SAH @ KHESARI S/o Jusan Sah @ Rajdev Sah R/o village-
Barabariyarpur, P.S.- Chatauni, District- East Champaran

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MD. ASLAM SON OF AYUM R/O BISHANPURA GALI F.38 NOIDA,
GAUTAM BUDH NAGAR, U.P.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Jha
Mrs. Ranjana Srivastava
For the Opposite Party/s : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 19-01-2024 Heard learned counsel for the petitioner and
learned APP for the State. Perused the case diary.

The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 363 and 365 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

As per FIR, the allegation against the accused persons including this petitioner is that they abducted three daughters of the informant with illicit intention.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has



falsely been implicated in this due to local party politics. The allegation against the petitioner is false and concocted. The petitioner neither abducted the daughter of informant nor any sexual assault have taken place. Out of three victims, statement of one victim was recorded under Section 164 of the Cr.P.C., which is annexed with the case diary, wherein she has specifically made allegation of sexual assault against the co-accused Rohit. She has not stated about any physical assault and physical misbehave against the petitioner. It is further submitted that the petitioner has got no criminal antecedent and languishing in judicial custody since 22.04.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Muffassil (Motihari) P.S. Case No. 264 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the



like amount each to the satisfaction of learned 8th Additional
Sessions Judge-cum-Special Judge, POCSO, Motihari, East
Champaran.

(Sunil Kumar Panwar, J)

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