

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44648 of 2024

Arising Out of PS. Case No.-69 Year-2024 Thana- BAISI District- Purnia

Chhotu Sah @ Chhotu Kumar Sah S/o Shankar Sah R/o Village-Kanahariya,
P.S.-Dagarua, District- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shanti Devi W/o Darshan Murmu R/o Village-Kathaul, P.S.-Baisi, District-
Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N K Agrawal, Sr. Advocate
For the Opposite Party/s	:	Mrs. Usha Kumari I, APP
For the Informant	:	Mr. Dwij Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-07-2024 Heard Mr. N K Agrawal, learned senior counsel

appearing on behalf of the petitioner, the learned APP for the

State and the learned counsel for the informant.

2. The petitioner seeks regular bail, who is in custody
in connection with Baisi P.S. Case No. 69 of 2024, registered for
the offence punishable under Sections 354A, 354D and 307 of
the Indian Penal Code, Sections 3(i)(w)(i) and 3(2)(v) of the
SC/ST (Prevention of Atrocities) Act, Section 8/18 of Protection
of Children from Sexual Offences Act and Section 25(1-b)a, 26
and 27 of the Arms Act.

3. Based upon the *fardbeyan*, the prosecution alleges
that the petitioner had been love affair with the daughter of the



informant. However, when this fact was brought to the knowledge of the family members, they assured that they will make the petitioner understand. On 25.03.2024, while the informant was sleeping, in the meantime, she found that her daughter is missing. On search, when the informant along with her husband went to the farm, they found the petitioner with their daughter. Having noticed the informant and her husband, the petitioner fired, however, the same did not hit. The villagers apprehended the petitioner from whose possession a country made pistol and cartridges were recovered.

4. Learned senior counsel referring to the *fardbeyan* vigorously contended that there is admitted love affairs between the petitioner and the daughter of the informant. So far the allegation of firing and seizure of the pistol is concerned, the same is made only with a view to wreck vengeance and put pressure upon him. Drawing the further attention of this Court to the medical report, learned senior counsel further contended that the victim is shown to be aged about 17-19 years, as such, she is major and thus no case of any of the penal provision of Protection of Children from Sexual Offences Act is made out. It is lastly contended that in fact the family members of both the



parties have given recognition to the relationship of the petitioner with the victim girl and they have compromised the matter outside the Court. Be that as it may, the petitioner is in custody since 26.03.2024, having fair antecedent.

5. Learned Advocate for the informant *suo moto* appeared in this case and admitted the submissions made on behalf of the learned senior counsel. Though, the prayer for bail was opposed by the learned counsel for the State.

6. Regard being had to the submissions made on behalf of the parties and considering the impugned order, which has taken note of the statement of the victim that she is having love affair with the petitioner, coupled with her medical reports suggesting her major and the period of custody as well as fair antecedent, let the petitioner, named above, 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 learned Additional Sessions Judge VII-cum-Special Judge, POCSO, Purnea in connection with Baisi P.S. Case No. 69 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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