

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75030 of 2023

Arising Out of PS. Case No.-330 Year-2023 Thana- SAUR BAZAR District- Saharsa

Upendra Bhagat, aged about 45 years, Male Son of Late Gaya Bhagat,
Resident of Village - Golma, Police Station - Sour Bazar, O.P.- Patarghat,
District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad, Advocate Ms. Pooja Prasad, Advocate
For the Opposite Party/s	:	Mr. Binay Krishna, APP
For the Informant	:	Mr. Nafisuzzoha, Advocate Ms. Rabia Gulnar, Advocate

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

ORAL ORDER

4 22-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Sour Bazar P.S. Case No. 330 of 2023 registered for the offence
under Sections 4 and 18 of the POCSO Act and Section 3(1) of
SC/ST Act.

3. The petitioner is alleged to have abducted the minor
daughter of the informant with bad intention.

4. Learned counsel for the petitioner submits that the
petitioner is innocent has committed no offence and has falsely
been implicated in this case. The petitioner has no criminal



antecedent. There is a delay of fourteen days in lodging of the FIR and no plausible explanation has been given in this regard. There is no eye witness of the occurrence and name of the petitioner is based on mere suspicion. The victim girl in her statement recorded under Section 164 Cr.P.C., has stated that she has left her parental home along with her younger brother namely, Rupesh Kumar and went to Punjab and when she came to know that this case has been lodged against the petitioner and his family members she came back to protect her. Similarly situated accused persons namely, Saurav Kumar @ Saurav Kumar Bhagat has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 79248 of 2023 dated 17.02.2024. Petitioner is in custody since 24.06.2023.

5. However, learned APP for the State vehemently opposes the prayer for regular bail.

6. Having heard both the parties, from perusal of FIR, case diary, statement of the victim girl recorded under Section 164 Cr.P.C. and the impugned order 05.09.2023 passed by learned Additional Sessions Judge-VI, Saharsa-cum Special Judge-POCSO, Saharsa, it appears that the victim girl had left her parental home on her own sweet will.

7. Considering the facts and circumstances of the case



and submissions of learned counsel for the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI, Saharsa-cum-Special Judge, POCSO, Saharsa in connection with Sour Bazar P.S. Case No. 330 of 2023.

(Ramesh Chand Malviya, J)

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