

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2705 of 2024

Arising Out of PS. Case No.-544 Year-2022 Thana- HARSIDHI District- East Champaran

Chanchal Kumar Ram @ Chanchal Kumar @ Chanchal Ram Son of Mohan
Ram Resident of Village - Ghogharahan, Bairiya, Police Station- Harsidhi,
District - EAst Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Shashank Shekhar, Advocate
For the Opposite Party/s	:	Mr. Dinesh Singh, APP
For the informant	:	Mr. Anil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 18-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Harsidhi P.S. Case no. 544 of 2022 registered under sections 366A, 341, 323, 427, 504 and 506 of the Indian Penal Code and sections 8, 10 and 12 of the POCSO Act.

3. As per the prosecution case, the informant states that his 15 year old daughter disappeared and was not to be found. On enquiry it transpired that seven named accused persons including the petitioner have taken her away for the purpose of marriage. On going to their house for enquiry, it is stated that the informant was assaulted, abused and threatened.



4. It is submitted by learned Senior counsel for the petitioner that the petitioner has been falsely implicated in the case. It has transpired in course of investigation that the petitioner and the daughter of the informant were on familiar terms. The allegations levelled in the FIR are false and incorrect. The daughter of the informant returned on the same day. It was with respect to an occurrence which had taken place on 1.11.2022 that an FIR (Annexure- P/2) being registered on 1.11.2022 by the uncle of the petitioner herein that the petitioner and others were falsely implicated in the present case registered on 2.11.2022 purportedly with respect to the occurrence which has taken place on 31.10.2022. The petitioner is in custody since 30.9.2023, has no criminal antecedent and chargesheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that not only the petitioner is named in the FIR but there is allegations against him of having kidnapped the minor daughter of the informant. It was much later that the informant's daughter returned.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the



F.I.R., the material that has transpired in course of investigation, the submissions made by learned Senior counsel for the petitioner together with the petitioner having remained in custody for 6 months since 30.9.2023 and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Harsidhi P.S. Case no. 544 of 2022 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge-cum-Special Judge, POCSO, East Champaran at Motihari.

(Partha Sarthy, J)

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