

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12019 of 2025

Arising out of PS. Case No.-317 Year-2024 Thana- MAJHAULIA District- West Champaran

Chandan Kumar @ Chandan Kumar Sah, Son of Suresh Saha @ Suresh Sah
Resident of Bakhriya Pokhra Tola, Ward No. 10, Police Station - Majhauilya,
District - West Champaran, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pooja Kumari Daughter of Manoj Sharma Resident of Ward No. 13, Village - Parsa, Police Station - Majhauilya, District - West Champaran represented through and under the guardianship of father and natural guardian Manoj Sharma, aged about 42 years, Son of Late Lal Bahadur Sharma, Resident of Ward No. 13, P.S. - Parsa, P.S. - Majhauilya, District - West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Ravish, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

6 09-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in a case instituted for the offences under Sections 363, 366(A), 506/34 of the Indian Penal Code and Section 8 of the Prevention of Children from Sexual Offences Act, 2012. He has no criminal antecedent.

3. As per the prosecution case, the informant has alleged that petitioner along with other family members had kidnapped his minor daughter with an intention to marry her. It is further alleged that the named accused persons had thereafter threatened and even abused her.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. It is further submitted by learned counsel for the petitioner that the victim had gone along with the petitioner out of her own sweet-will which can be ascertained from the statement given under Section 161 Cr.P.C. wherein she has stated that she had gone with the petitioner and had stayed with him at Motihari. It is also submitted by learned counsel for the petitioner that the medical examination report also suggests that there was no sexual assault upon the victim girl and it was merely on the pressure of the parents of the victim girl, the victim has changed her version of story under Section 164 Cr.P.C. It is next submitted by learned counsel for the petitioner that the charge-sheet has already been submitted and the petitioner is a young boy and aged about 19 years of age. It is lastly submitted by learned counsel for the petitioner that Petitioner has clean antecedent and is in custody since 22.10.2024.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that the victim girl in her statement recorded under Section 164 Cr.P.C. has alleged that the petitioner used to force and had sexually abused the victim as such the petitioner



should not be released on bail.

6. Considering the aforesaid submissions of the parties and taking into account the discrepancy in the statement of the victim as also the period of custody, the petitioner above named, is directed to be released on bail 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 Special Judge POCSO-cum-ADJ-VI-West Champaran, Bettiah in connection with Majhaulia P.S. Case No. 317 of 2024, subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent



of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

(v) The petitioner shall not approach the informant or any of the family members or the victim girl to either coerce or threaten during the pendency of the trial.

(vi) The petitioner should refrain interaction with the victim girl or the prosecution side.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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