

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23387 of 2024

Arising Out of PS. Case No.-32 Year-2019 Thana- PALANWA District- East Champaran

Chhotelal Sharma Son Of Ramasish Sharma @ Ramashish Sharma Residence
Of Village - Bhogari (Sonar Patti), P.S. - Majahuliya, District - West
Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sheikh Ekram S/o- Sheikh Manish, R/o- Bahuari, Ward No- 17, P.S.
Palanwa,

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Binay Kumar, Advocate
For the State	:	Ms.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

10 24-06-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. In pursuance to the previous orders, a
supplementary counter affidavit has been filed describing steps
being taken by the police in order to recover the victim girl.

3. From perusal of the supplementary counter
affidavit, it also transpires that S.I.T. has also been formed under
the supervision of S.D.P.O, Raxaul for recovery of the missing
girl.

4. The petitioner seeks bail in a case registered for the
offences under Sections 363, 366(A) of I.P.C. and Section 8 of
POCSO Act.



5. The allegation as per the FIR is to the effect that the petitioner along with his father had kidnapped the daughter of the informant at 10:00 A.M. during the day time and thereafter when the petitioner-side were contacted by the informant, they informed that the girl is with them and had assured that they would bring her back, however, she did not come back and thereafter the present FIR was lodged.

6. Learned counsel for the petitioner submits that the present case has been made out from a false and concocted story only because there was an amount of Rs. 70,000/- due with the informant and on demand being made by the petitioner, the present case has been lodged. It is further submitted that the factum of the prosecution case itself becomes doubtful from the fact that the occurrence is said to have taken place at 10:00 A.M. during day time and despite such occurrence having taken place, the present FIR was lodged after 49 days of the said incident. It has next been submitted that the informant had actually compromised the matter during 2021 and a copy of which has been brought on record by way of Annexure '3' to the petition, however, the case was not closed and hence, the petitioner finally surrendered on 07.12.2023 and since then, he is in custody. It is lastly submitted that the



petitioner has clean antecedent and even during the trial the informant has been examined as P.W.-3 and in his examination, he has submitted that there is a shop of the petitioner- Chhotelal Sharma and he has submitted that the petitioner had earlier approached the police for the demand of the due amount with the informant.

7. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that there is specific allegation upon him to have kidnapped the daughter of the informant and till date the daughter is traceless however, the police is making efforts to recover the said victim girl.

8. Considering the aforesaid facts and circumstances of the case and taking into account that the petitioner is in custody since 07.12.2023, let the petitioner above-named be enlarged 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 court below where the case is pending/successor court in connection with Palanwa P.S. Case No. 32/2019 subject to the conditions :-

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present



in Court on each date of the trial.

- c. 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.
- d. 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 cancelled by the court concerned.
- e. 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 aforementioned order shall not be delayed for purpose of or in the name of verification.
- f. If the learned Trial Court finds that the trial is being delayed on account of the petitioner, it shall be at liberty to cancel the bail bonds of the petitioner.



9. The Superintendent of Police, East Champaran, Motihari is directed to submit the report of the S.I.T. formed under the supervision of S.D.P.O., Raxaul before the learned court below and keep updating the learned trial court with regard to the recovery of the victim girl.

10. 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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