

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77927 of 2024

Arising Out of PS. Case No.-60 Year-2022 Thana- BHEJA District- Madhubani

Pankaj Saday Son of Hari Saday @ Hari Mohan Saday Resident of Village -
Khor Madanpur Tole Lanokha Mushari, P.S. - Bheja, District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vakil Hajam Son of Arif Hajam Resident of Village - Khor Madanpur, P.S. -
Bheja, District - Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, APP
For the Informant	:	Mr. Nawal Kishore Prasad, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 18-03-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State. Perused
the case diary.

2. The petitioner seeks bail in connection with Bheja
P.S. Case No. 60 of 2022 instituted for the offences under
Sections 363, 366A/34 of the Indian Penal Code and Sections 3,
4 of the POCSO Act.

3. Accusation against the petitioner is of kidnapping
the daughter of the informant with ill intention.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Learned counsel further submitted that there is a delay of eleven



days in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. Learned counsel for the petitioner submitted that victim in her Statement recorded under Section 164 of the Cr.P.C. has specifically stated that she left her house on her own sweet will and this petitioner never gave any compulsion or threat to her. He further submitted that nothing has been whispered against the petitioner in Section 164 Cr.P.C. statement of the victim. Learned counsel further submitted that even as per medical report of the victim, there is no evidence of sexual assault. It has been submitted on behalf of the petitioner that the petitioner is in custody since 12.08.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, medical report of the victim and there being no material against the petitioner in Section 164 Cr.P.C. statement of the victimas also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of Court below/concerned Court in connection with Bheja P.S. Case No. 60 of 2022, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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