

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88483 of 2024

Arising Out of PS. Case No.-479 Year-2020 Thana- HARSIDHI District- East Champaran

Santosh Kumar Son of Nema Sahani @ Nema Sahni Resident of village -
Ranjita Kathaiya, P.S.- Harsidhi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 16-05-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Harsidhi P.S. Case No. 479 of 2020 for the offence punishable under Sections 363, 366A/34 of the Indian Penal Code and section 8/12 of the POCSO Act lodged on 15.11.2020 by the informant, Nand Kishore Das.

3. As per the prosecution story, the informant alleged that his daughter was missing and further had suspicion that as earlier there had been some scuffle with the accused persons, they may have kidnapped the victim girl and sold her in a brothel. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that earlier the bail application was rejected by an order dated 10.05.2024 in Cr. Misc. No. 8739 of 2024 (Santosh Kumar vs.



the State of Bihar) and as the FIR was of the year 2020, he came into judicial custody in the month of January, 2023, it was rejected. He submits that he has no criminal antecedent, is in custody since 04.12.2023 and other similar situate have been granted relief vide different orders of coordinate benches even Jai Prakash Sahni has been granted bail in Cr. Misc. No. 9548 of 2023 on 03.05.2023.

5. Learned APP opposes the prayer stating that the role of the petitioner has come in the entire episode.

5. Considering the submissions of the parties as also his period of custody, the petitioner has no criminal antecedent, others have been extended relief, in that background, this Court is inclined to extend him the privilege of bail with conditions. However, if it is found that the petitioner has criminal antecedent, the order shall become infructuous.

6. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 6th Additional Sessions Judge cum Special Judge, POCSO, Motihari, East Champaran, in connection with Harsidhi P.S. Case No. 479 of 2020 subject to the following conditions:

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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