

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77799 of 2025

Arising Out of PS. Case No.-160 Year-2014 Thana- MAHISHI District- Saharsa

Muninder Singh @ Narendra Sah S/o Darbari Singh R/o village - Kotha, P.S -
Katra, District - Shahjahanpur (Uttar Pradesh)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chauki Sah S/o Late Aklu Sah, R/o village Baluaha, P.S. Mahishi, District
Saharasa

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Diwakar Prasad Singh, Advocate
For the State	:	Mr. Sunil Kumar Pandey, APP
For the Informant	:	Mr. Amarnath Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 11-03-2026 Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Mahishi P.S. Case no. 160 of 2014 registered under sections 366A and 34 of the Indian Penal Code.

3. As per the prosecution case, the minor daughter of the informant was kidnapped and taken away for the purpose of marriage. She was married to the petitioner. The informant states that inspite of search she was not to be found.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. In spite of the



petitioner having remained in custody since 23.2.2020, the informant/prosecution side is not interested in concluding the trial and thus are not appearing to depose in the learned Court below. Learned counsel submits that the petitioner has remained in custody for over six year since 23.2.2020. He undertakes to cooperate in the trial and to abide by any conditions which may be laid by this Court for his release on bail.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the prosecution witnesses have supported the prosecution case against the petitioner. The trial is near its end and as such the petitioner should not be enlarged on bail.

6. A report with respect to stage of the trial was called for from the learned trial Court. As per the report received contained in letter dated 4.12.2025, though five prosecution witnesses including the victim and the Doctor have been examined, however the report further states that summons, bailable warrants and non-bailable warrants have been issued against the remaining non-official witnesses as also the Investigating Officer of the case. The report further states that the Court has written different letters on 12.9.2025 as also 25.9.2025 to the District Magistrate and Superintendent of



Police, Saharsa to ensure the presence of the witnesses.

7. On a query put by the Court to learned counsel for the informant as to why the non-official witnesses were not appearing inspite of the steps being taken by the learned trial Court, the only reply forthcoming was that the trial is at near its conclusion.

8. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the non-official witnesses not appearing in the learned Court below inspite of issuance of summons, bailable warrants and non-bailable warrants and specially the petitioner having remained in custody for over six years since 23.2.2020, the Court directs the petitioner to be enlarged on bail in connection with Mahishi P.S. Case no. 160 of 2014 (POCSO Case no.54 of 2019) 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 VIth Additional Sessions Judge-cum-Special Judge POCSO Act, Saharsa on the following conditions:

(i) One of the bailors of the petitioner shall be the father of the petitioner.

(ii) The other bailor of the petitioner shall be a person resident of a place within the jurisdiction of the learned trial



Court.

(iii) The petitioner shall remain physically present in Court on each date of the trial and shall cooperate in the trial.

(iv) In case the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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