

Lalu Dewan @ Lal Mohammad Dewan vs The State Of Bihar on 3 March, 2025

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86239 of 2024
Arising Out of PS. Case No.-534 Year-2024 Thana- MAJHAULIA District- We
=====

Lalu Dewan @ Lal Mohammad Dewan S/o Late Kariman Dewan R/o
Village- Ramnagar Chhota Bankat ward no 07, Police station- Majhauliya,
District- west Champaran

Versus

1. The State of Bihar
2. Tanfis Sheikh S/o Late Zahir Sheikh R/o vill - Ramnagar Bankat Sheikh Toli, ward no. 4, P.S. - Majhauliya, Distt.- West Champaran

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Brij Kishor Mishra, Adv.
For the Opposite Party/s	:	Mr. Zainul Abedin, APP
For the O.P. No.2	:	None

=====

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA

ORAL ORDER

4 03-03-2025

Heard learned counsel for the petitioner and learned APP for the State. No one appears on behalf of the O.P. No.2. Perused the case diary.

2. The petitioner seeks bail in connection with Majhauliya P.S. Case No. 534 of 2024 instituted for the offences under Sections 137(2), 96, 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 8 of the Protection of Children from Sexual Offences Act.

3. As per prosecution case, the accusation against the petitioner is of abducting the minor Informant's sister in Patna High Court CR. MISC. No.86239 of 2024(4) dt.03-03-2025 connivance with the other accused persons on the pretext of marriage.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner has not committed any offence as alleged in the F.I.R. He further submits that the victim girl in her statements recorded under Sections 180 and 183 of the B.N.S.S. has not made any allegation of any overt act against the petitioner rather has stated that she on her own will had left the house with the petitioner and also solemnized marriage with him. From the medical report, it appears that the doctor has not found any recent sign of sexual assault upon the victim girl and, thus, the medical

report does not support the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 08.08.2024 without any rhyme or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the Patna High Court CR. MISC. No.86239 of 2024(4) dt.03-03-2025 petitioner, stating that the offence alleged against the petitioner is serious in nature. The victim girl is minor. He further submits that there is direct allegation against the petitioner of eloping the victim girl on the pretext of marriage. The Investigating Officer after completion of investigation has submitted charge-sheet under Sections 96/64 of the Bhartiya Nyaya Sanhita, 2023 and Sections 4/6 of the Protection of Children from Sexual Offences Act. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner, the petitioner having no criminal antecedent as also taking into consideration the statements of the victim girl recorded under Sections 180 and 183 of the B.N.S.S., let the petitioner, abovenamed, 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 Majhauriya P.S. Case No. 534 of 2024, subject to the following conditions;

Patna High Court CR. MISC. No.86239 of 2024(4) dt.03-03-2025

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J) rishi/-

U T