

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55141 of 2016

Arising Out of PS.Case No. -494 Year- 2015 Thana -BAKHTIARPUR District- SAHARSA

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1. Lalan Sada @ Lallan Sada, Son of Rajendra Sada, Resident of Village-
Bhawdeva P.S.- Bakhtiyarpur (Balwa O.P.), Dist- Saharsa. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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with

Criminal Miscellaneous No.6880 of 2017

Arising Out of PS.Case No. -494 Year- 2015 Thana -BAKHTIARPUR District- SAHARSA

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1. Indra Deo Rishideo @ Indradeo Sada Son of Dileshwar Rishideo
Resident of Village- Bhawdeva, P.S.- Bakhtiyarpur (Balwa O.P.) , District-
Saharsa Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

(In Cr.Misc. No.55141 of 2016)

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Sri Dashrath Mehta

(In Cr.Misc. No.6880 of 2017)

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Sri Dilip Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 01-03-2017 Both the criminal miscellaneous applications are of the same occurrence and, as such, have been heard together and are being disposed of by passing this common order.

Heard learned counsel for the petitioners and learned A.P.P. representing the State.

The petitioners seek bail in connection with POCSO Case No. 02 of 2016 arising out of Bakhtiyarpur (Balwa Hat O.P.) P.S. Case No. 494 of 2015 registered for the offences punishable under Sections 363, 366-A, 323, 504/34 of the Indian Penal Code



and Sections 6 and 8 of the POCSO Act.

The petitioner Indra Deo Rishideo wants to renew his prayer for bail which was earlier twice rejected passed in Criminal Misc. No. 15853 of 2016 and further in Criminal Misc. No. 54156 of 2016 on the ground that the petitioner is suffering in custody since 02.01.2016, he is not named in the First Information Report, the police after investigation submitted final form against him and he was not sent up for trial but the victim girl has named the petitioner in her statement recorded under Section 164 Cr.P.C. resulting, he is suffering in custody. The medical evidence does not support the allegation of rape as no definite evidence of rape was found. The petitioner Indra Deo Rishideo was given liberty to renew his prayer of bail after examination of the victim girl and the victim girl has already been examined.

The petitioner Lalan Sada @ Lallan Sada wants to renew his prayer for bail which was earlier rejected vide order dated 23.06.2016 passed in Criminal Misc. No. 15853 of 2016 on the ground that the petitioner is suffering in custody since 02.01.2016. He is not named in the First Information Report but chargesheet was submitted. The victim girl has named the petitioner in her statement recorded under Section 164 Cr.P.C. but medical evidence does not support the allegation of rape.



The learned A.P.P. opposes the prayer of bail.

Considering the allegation attributed against the petitioner Lalan Sada @ Lallan Sada that he has committed rape with the victim girl, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected.

So far as, the petitioner **Indra Deo Rishideo** is concerned, he is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. 1st-Cum-Special Judge, Saharsa in connection with POCSO case no. 02 of 2016 arising out of Bakhtiyarpur (Balwa Hat O.P.) P.S. Case No. 494 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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