

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41592 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- BUNIYAD GANJ District- Gaya

Leela Patwa, Son of Dev Narayan Ram, Resident of Mohalla - Pahani
Manpur, P.S.- Buniyadganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Amresh Kumar, Advocate
For the Opposite Party/s	:	Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 20-09-2019 Heard Mr. Ramakant Sharma, learned Senior
Counsel appearing on behalf of the petitioner and the learned
counsel appearing on behalf of the State.

The petitioner is in custody since 11.01.2019 in connection with POCSO Case No.14 of 2019 arising out of Buniyadganj P.S. Case No.04 of 2019 registered for the offence under Sections 363, 365, 302, 201, 120B, 354, 354B of the Indian Penal Code and Section 8 of the POCSO Act and Section 75 of the Juvenile Justice Act.

Learned counsel for the petitioner submits that the entire allegation against the petitioner is false and has been brought about only on the basis of the statement made by two minor girls--daughters of the informant and sisters of the



victim girl. It is further submitted that save and except the statement, even the mother of the deceased girl has not taken the name of the present petitioner. It is further submitted that this petitioner Leela Patwa is the friend of the informant and only in order to make a case of the honour killing of the girl, the petitioner's name has been brought in by the police after taking into custody the two minor girls of the informant, who are said to have taken the name of the present petitioner.

Learned counsel for the petitioner points out to paragraph 78 of the case diary, wherein the mother of the victim girl has not taken the name of the present petitioner Leela Patwa.

In view of the statement made before the Magistrate under Section 164 Cr.P.C., the girls are said to have stated that their mother Asha Devi had stated that uncle Leela has taken away the victim girl, but the mother has not made any such statement even before the police regarding the taking away of the victim girl by the present petitioner and also considering the fact that the F.I.R. in this case was lodged after a lapse of six days of the date of occurrence and that the same was produced before the concerned Magistrate after a further period of four days, there appears to be some dubious



efforts on the part of the prosecution to either dilute the entire prosecution or to create an effect which would indicate that the matter was one of honour killing and thus absolve the prosecution from making any further investigation.

Having considered the entire facts and circumstances of the case and from the materials in the diary, which has been perused by the learned counsel for the State, who has also indicated that the statement of the mother of the victim girl does not indicate the involvement of the petitioner and save and except one case which is under the Excise Act, the petitioner is not having any criminal antecedents, let the petitioner, above named, be released on bail on his furnishing 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.-I-Cum-Special Judge (POCSO) Act, Gaya, in connection with POCSO Case No.14 of 2019 arising out of Buniyadganj P.S. Case No.04 of 2019, subject to the following conditions :

(1) One of the bailors will be the father of the petitioner.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned



court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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