

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18856 of 2021

Arising Out of PS. Case No.-60 Year-2019 Thana- AMAS District- Gaya

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1. RAJDEO RAVIDAS SON OF RAM DAS RESIDENT OF VILLAGE-
SAWNKALA, TOLA MALARWADIH, P.S. AMAS, DISTRICT- GAYA
 2. KALIA DEVI WIFE OF RAJDEO DAS RESIDENT OF VILLAGE-
SAWNKALA, TOLA MALARWADIH, P.S. AMAS, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Javed Jafar Khan

For the Opposite Party/s : Mr. Sanjay Kumar Tiwari

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 08-12-2021 Heard learned counsel for the petitioners and
learned APP for the State.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in connection with POCSO Case No. 27/2019, arising out of Amas P.S. Case No. 60 of 2019 registered under Sections 376 and 302 of the Indian Penal Code and Section 4 and 8 of POCSO Act.

The petitioners' prayer for bail was earlier rejected on 26.06.2020 in Cr. Misc. No. 18189 of 2020.



Learned counsel for the petitioners submits that they have remained in custody since 27.01.2020. During investigation it has emerged that it is a case of honor killing of the victim. The prosecution, on the other hand, alleges that Sanjay Manjhi was seen coming out of the house where the minor victim was ravished and throttled.

The Court considering the custody had called for a report from the trial court. Report dated 24.11.2021 shows that none of the prosecution witness has appeared on summons.

Considering the aforesaid facts and circumstances of the case, allegations and submissions of the petitioners' counsel along with report, this Court is inclined to allow the prayer for bail on behalf of petitioner no. 2 (Kalia Devi). Prayer for bail of the petitioner no. 2 is allowed. Let the petitioner no. 2 above named 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 learned Special Judge, POCSO Act, Gaya in POCSO Case No. 27/2019, arising out of Amas P.S. Case No. 60 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner no. 2 who will give an affidavit giving genealogy as to how he is related with the petitioner no. 2. The bailor will



also undertake to inform the Court if there is any change in the address of the petitioner no. 2.

(ii) That the petitioner no. 2 will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

So far as petitioner no. 1 (Rajdeo Ravidas) is concerned, this Court is not inclined to allow the prayer for bail for the present. The petitioner would be at liberty to renew his prayer for bail if the trial is not concluded within 3 months.

(Madhuresh Prasad, J)

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