

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22591 of 2021**

Arising Out of PS. Case No.-30 Year-2020 Thana- MAHILA P.S. District- Sitamarhi

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RADHEY SHYAM RAI @ RADHEY SHYAM Son of Kalewr Rai @ Ram
Kalewar Rai @ Talewar Ray Resident of Village - Hari Bela , P.S.- Bathnaha,
Dist.- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha No. 1, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 13-08-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Sitamarhi Mahila P.S. Case No. 30 of 2020

registered for the offences punishable under Sections 376 and

313/34 of the Indian Penal Code and Sections 6, 8 and 9 of the

Protection of Children from Sexual Offences (POCSO) Act. He

is in custody since 26.12.2020.

Learned counsel for the petitioner submits that on a

bare reading of the First Information Report it would appear that

the informant who is the mother of the victim has specifically and categorically alleged that it is co-accused Mukesh Kumar who is the brother-in-law of her son Saryug Rai and was residing with the family of the informant at Sitamarhi had forcibly established sexual relationship with her daughter and had got her pregnant.

Learned counsel submits that so far as this petitioner is concerned, there is no allegation at all either of commission of the offence or in any way assisting the main accused in commission of the alleged occurrence. It is alleged that on 30.09.2020 at about 10 am the mother-in-law of the son of the informant came to the house of the informant on the pretext of meeting her daughter, at this stage it is stated that she had come on the motorcycle of this petitioner. Save and accept this part, there is no allegation against this petitioner. It is then alleged that the mother-in-law of the son of the informant had got the daughter of the informant to take some medicine whereafter she returned and in the night, the daughter of the informant got some abdomen pain and started bleeding. On 01.10.2020, when she was taken to the Sadar Hospital, the daughter of the informant disclosed these facts.

Learned counsel, therefore, submits that it s a case of

no allegation against the petitioner, still the petitioner has remained in custody for over seven months in connection with this case.

Learned A.P.P. for the State is present, however, in the given facts and circumstances of the case, in the nature of the disclosures made in the First Information Report wherein there is no allegation against the petitioner either of commission of alleged act or in assisting the main accused of this case in commission of the alleged offence, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI, Sitamarhi in connection with Sitamarhi Mahila P.S. Case No. 30 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person

acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.