

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21632 of 2022

Arising Out of PS. Case No.-58 Year-2022 Thana- WAJIRGANJ District- Gaya

SHAILESH SINGH Son of Late Naro Singh Resident of Village - Badua,
P.s.- Fatehpur, Distt. - Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 28480 of 2022

Arising Out of PS. Case No.-58 Year-2022 Thana- WAJIRGANJ District- Gaya

RAJKUMAR SINGH SON OF LUTAN SINGH R/O VILLAGE- BADAUN,
P.S.- FATEHPUR, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 21632 of 2022)

For the Petitioner/s : Mr.Priyesh Kumar

For the Opposite Party/s : Mr.Lalan Kumar

For the informant : Mr. Shardhanand Mishra

(In CRIMINAL MISCELLANEOUS No. 28480 of 2022)

For the Petitioner/s : Mr.Ajay Kumar Sinha

For the Opposite Party/s : Mr.Ajit Kumar

For the Informant : Mr. Shardhanand Mishra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 19-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioners, learned
A.P.P. for the State and Learned counsel for the informant.

The petitioners seek bail in connection with
Wazirganj P.S. Case No. 58 of 2022 registered for the offences



punishable under Sections 363, 366(A), 34 of the I.P.C. read with Section 8 of POCSO Act.

As per prosecution case, informant's daughter had gone for studying in school. When she did not return, the informant asked her teachers then they told that she had not come school. The informant was informed by one Nutan Singh that F.I.R. named accused persons including petitioners have took her daughter in a vehicle on the pretext of marriage ceremony at her maternal house at Nawada. When informant made query at the house of petitioner Shailesh Singh, his wife denied and they started abusing informant and threatened to kill him.

Learned counsel for the petitioners submit that petitioners are in custody since 13.02.2022. Petitioners bear no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that there is a love affair between the son of petitioner Shailesh Kumar and victim girl and the petitioners have no knowledge about the said occurrence and they have been falsely implicated in the case only because of the reason that Petitioner Shailesh Kumar is father of co-accused Pawan Kumar. Learned counsel further



submits that as per the statement of victim girl under Section 164 of the Cr.P.C., it is clear that petitioners did nothing regarding the alleged occurrence. She specifically stated that the family of Pawan Kumar did not involve in the said occurrence.

The learned A.P.P. for the State as well as learned counsel for the informant vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties, keeping in view clean antecedent of the petitioners and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge VIth, Gaya in connection with Wazirganj P.S. Case No. 58 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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