

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29019 of 2022

Arising Out of PS. Case No.-357 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

Rajiv Kumar, Son of Ras Bihari Sah, Resident of Village- Garha, P.S.-
Runnisaidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Basant Kumar Tripathy, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Runnisaidpur P.S. Case No. 357 of 2020
registered for the alleged offences under Sections 363, 366 (A),
372, 376 of the Indian Penal Code and Sections 4/6 of POCSO
Act.

As per prosecution case, the minor daughter of the
informant went missing in the night of 30-31.07.2020. The
informant named two co-accused persons, who might have
taken away his minor daughter.



Learned counsel for the petitioner submits that the petitioner has been named in this case due to confusion. The petitioner was not named in the FIR. The victim girl was recovered from the co-accused Harikesh Kumar Sah from Uttar Pradesh. After recovery of the victim girl, in fabrication of the case and after due deliberation, this petitioner was named in the statement recorded under Section 164 Cr.P.C. of the victim girl. There are seven persons by the name of Rajiv Kumar in the village. The father of the informant has also filed an application before the learned Special Court that this petitioner has no complicity in the occurrence. Moreover, even on the facts, it is not believable that a girl of sufficient maturity will leave the house in the midst of night on saying of the petitioner. The co-accused, from whose possession recovery of the victim girl has been made, has been granted bail by the learned Chief Judicial Magistrate, Sitamarhi. There is no allegation for any offence either under Section 376 IPC or Section 4/6 of POCSO Act against this petitioner. The petitioner is in custody since 09.03.2022 and the charge sheet has been submitted.

Learned A.P.P. opposes the prayer for bail submitting that the name of the petitioner came up in the statement of the victim girl recorded under Section 164 Cr.P.C.



Perused the records.

Having regard to the facts and circumstances and submission made hereinabove and considering the fact that main thrust of accusation is against the co-accused Harikesh Kumar Sah and further considering the doubt over identity of this petitioner coupled with the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-VI-cum-Special Judge, POCSO, Sitamarhi, in connection with Runnisaidpur P.S. Case No.357 of 2020, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable



to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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