

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52620 of 2022

Arising Out of PS. Case No.-64 Year-2021 Thana- PURNAHYA District- Sheohar

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DEVENDRA RAY @ DHARMENDRA KUMAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Rajendra Singh

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

2 09-12-2022 The petitioner is seeking for regular bail in Purnahia P.S Case No. 64 of 2021 dated 09.04.2021 for the alleged offences under Section 363, 366(A), 376 of Indian Penal Code, Section 4 of the POSCO Act under Section 9/10 of Child Marriage Act registered on the basis of written information furnish by one Sita Devi W/o-Shivachandra Ray of village – Thikha P.S.- Purnahiya District-Sheohar.The petitioner has invoke remedy before the Additional District and Sessions Judge 1st Cum Special Judge POSCO, Sheohar dated 20.08.2022 and it was rejected. Hence the present regular bail under Section 439 and 440 of the Cr.P.C.

Perusal of the record *prima facie* it is evident that petitioner-Devendra Ray and Surti Kumari were living together and such affair was not liked by the parents of the Surti Kumari,



therefore, case was registered against the petitioner. Under Section 164 statement Surti Kumari has declared that her age is about 19 years, therefore, *prima facie* provisions of POSCO Act is not attracted. In the light of these facts and circumstances and the fact that petitioner is lying in jail and he is entitled to regular bail.

In the light of these facts and circumstances, petitioner has made out *prima facie* for grant of regular bail. Accordingly, bail application is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 1st Cum Special Judge POSCO, Sheohar, subject to following conditions:-

(i) The petitioner shall co-operate in investigation and in conclusion of the trial.

(ii) He shall remain present on each and every date of trial till conclusion of trial.

(iii) He shall not try to tamper with the evidence or intimidate the witness to delay the conclusion of trial.

(iv) In the event of default of two consecutive dates without any valid reasons, his bail bonds is liable to be



cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in the case, at any stage, it is found that petitioner had concealed his criminal antecedent, the court below or investigating authority shall take immediate step for cancelling bail bond of the petitioner. However, acceptance of bail bonds, in terms of the aforementioned order shall not be delayed for this purpose or in the name of verification.

(P. B. Bajanthri, J)

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