

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63164 of 2021

Arising Out of PS. Case No.-2 Year-2020 Thana- MAHILA P.S. District- Sitamarhi

Devendra Prasad @ Devendra Son Of Late Man Singh Resident Of Village -
Purthal, House No.- 411, P.S.- Budhana, District - Muzaffarnagar (U.P.). At
Present R/O Mohalla Ram Nagar, House No.- A/168, P.S.- Sahibabad, District
- Ghaziabad, Uttar Pradesh. Petitioner

Versus

1. The State of Bihar
2. Shyam Sunder, son of Chandeshwar Paswan, resident of village-Parsa, P.S.-
Bela, District-Sitamarhi at present in front of Rajiv Gas Godown, village-
Anghatta, P.S.-Dumra, District-Sitamarhi

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Amit Kumar Jha, Advocate
For the State	:	Mr. Md. Fahimuddin, APP
For the O.P. No. 2	:	Mr. Prem Kumar Paswan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 27-07-2022 Heard learned counsel for the petitioner, learned
counsel for the informant-O.P. No. 2 and Mr. Md. Fahimuddin,
learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Sitamarhi (Mahila) P.S. Case No. 02 of
2020 for the offences punishable under Sections 366A, 372,
376/34 of the Indian Penal Code, Sections 4 and 8 of the
Protection of Children from Sexual Offences Act (in short
'POCSO') and Section 3(2)(v) of SC/ST Act. He has no
criminal antecedent.

Learned counsel for the petitioner submits that this
petitioner is the father of the boy with whom the niece of the
informant had allegedly gone. It is submitted that the niece of



the informant had gone missing on 08.01.2020 since 04:00 A.M. but the FIR was lodged on 21.01.2020.

It is further submitted that so far as this petitioner is concerned, no specific role has been alleged against him and he being the father of the boy has remained in jail for more than 2 years. Till date only charge has been framed and the trial is not likely to be concluded in near future.

Learned counsel for the informant does not controvert the submission of learned counsel for the petitioner.

Learned APP for the State has though opposed the prayer for bail of the petitioner but does not dispute that the petitioner is the father of the boy and the FIR has been lodged after about 13 days of the alleged occurrence.

Considering the facts and circumstances of the case, there being no specific allegation against the petitioner, he happens to be the father of the boy and the FIR has been lodged in connection with this case after 13 days, the petitioner has already remained in custody for over 2 years and the trial is not likely to be concluded in near future, hence, this Court directs that the petitioner above named be released 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 A.D.J.-VI-cum-Special Judge, Sitamarhi in connection with Sitamarhi (Mahila) P.S. Case No. 02 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

The application is allowed.

(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'.

