

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54228 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- RIGA District- Sitamarhi

Kailash Singh, S/O Late Rajendra Singh Resident of village- Chainpura, P.S.-
Riga, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and the

learned APP for the State through virtual mode in view of

COVID-19.

Let the defect(s) be removed within four weeks of
the complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Riga P.S. Case No.56 of 2022 instituted under Sections
147, 148, 149, 323, 452, 379, 354(B), 366(A) / 511, 504 of
the I.P.C. and 4/8 of POCSO Act.

As per the complaint, the accused persons forming
unlawful assembly entered the house of the informant /
complainant and after assaulting the family members also
tried to outrage the modesty of the women present there and
snatched a silver chain worth Rs.12,000/- and further tried



to kidnap the victim girl.

Learned counsel for the petitioner submits that a bare perusal of the FIR would show that due to dispute between both the parties which is going on regularly, an exaggerated F.I.R. has been lodged. His further submission is that although the occurrence took place on 11.11.2021 but complaint was filed on 23.11.2021 which shows that it was well thought plan to implicate them in this case. His further submission is that there is dispute between the couple for which already a Complaint Case No.748/2022 has been lodged and this is just a corollary to that. The last submission is that the victim girl is not a minor as she was medically examined on 14.09.2022 and was found to be 18 years of age and thus on the date of occurrence she was 19 years old.

Taking into account the aforesaid fact that the victim girl was medically examined and was found to be 18 years of age as on 14.09.2022, (which is part of the bail application as Annexure-4) as also the fact that he has remained in custody since 04.05.2022 (as stated in para-16 of the bail application), charge-sheet stands submitted, this



Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Riga P.S. Case No.56 of 2022 to the satisfaction of learned A.D.J., VI,th-cum-Special Judge (POCSO) Act, Sitamarhi, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.



With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan/
Ajay

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