

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30797 of 2023

Arising Out of PS. Case No.-276 Year-2014 Thana- CHIRAIYA District- East Champaran

1. DILEEP RAI Son of Radha Rai @ Radha Nand Ray Resident of village-Katkwya, P.S.-Chiraiya, District-East Champaran
2. JITENDRA RAI Son of Sudama Rai Resident of village-Katkwya, P.S.-Chiraiya, District-East Champaran
3. LADDU RAI Son of Ramdayal Rai Resident of village-Katkwya, P.S.-Chiraiya, District-East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Petitioners seek bail, who are in custody since 24.01.2023 and 10.01.2023 in connection with Chiraiya P.S. Case No. 276 of 2014, F.I.R. dated 03.11.2014 for the offences punishable under Sections 302, 376(g), 201, 120(B) of the Indian Penal Code and Section 4, 6 of POCSO Act.

3. According to prosecution case, on the basis of written report of the informant namely, Siyapati Devi that in the night of 02.11.2014 her daughter namely, Mira Kumari aged about 14 years, went to discharge natural call but she did not



returned. She had seen Rampukar Rai towards canal who use to threaten for life of her family. She along with others searched her daughter but she did not find them. From villagers she came to know that dead body of her daughter is lying. She went there and saw dead body of her daughter in semi necked condition and blood was shed from her private part. The informant suspected that her daughter was raped and killed by strangulation by Rampukar Rai and some unknown miscreants.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that petitioners are not named in the F.I.R. and the names of the petitioners have been transpired during investigation on the basis of restatement of the informant after six years of the date of occurrence. He further submits that the informant is not the eye witness of the alleged occurrence and the co-accused namely, Rampukar Rai who is named in the F.I.R. has put on trial in Sessions Trial No.12 of 2015 and he has been acquitted from the charges as alleged in the F.I.R. vide order dated 30.06.2016 itself. He further submits that except the restatement of the informant, no other cogent material has come during investigation to suggest the involvement of the petitioners in the



present occurrence. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioner nos. 1 and 3 are in judicial custody since 24.01.2023 and petitioner no.2 is in custody since 10.01.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-6th-cum-Special Judge, POCSO Act, Motihari, East Champaran in connection with Chiraiya P.S. Case No. 276 of 2014, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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