

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32618 of 2023

Arising Out of PS. Case No.-27 Year-2022 Thana- KHAJAUJI District- Madhubani

Shailendra Kumar Singh S/O Late Mahendra Narayan Singh, R/o Village
Tarapatti, P.S. Khajauli, District Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Awadhesh Kumar Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
14.03.2023 in connection with Khajauli P.S. Case No. 27 of
2022, F.I.R. dated 26.02.2022 registered for the offence
punishable under Sections 341,323,354B,379,504,506 of IPC,
Section 8 of the POCSO Act, 2012.

3. The informant alleged that her husband is suffering
from mental disorder from last 20-25 years. It is further alleged
that on 25.02.2022 at around 7.30 a.m., her daughter aged about
15 years was going towards her field with bicycle. When she
reached near the field of one Ramesh Kumar Singh, Shailendra
Kumar Singh and Rekha Devi were standing and they caught
her daughter and took her towards their house. The accused



persons closed the daughter of the informant in a room and their two sons, namely, Prashant Kumar Singh and Nishant Kumar Singh tried to commit rape with the daughter of the informant.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and as per FIR there is no video clip available on the record and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 14.03.2023.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he handed over the daughter of the informant to other co-accused persons apart from that the petitioner carries four more cases other than the present one.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-VI-



cum-Special Judge (POCSO), Madhubani in connection with Khajauli P.S. Case No. 27 of 2022, with the following conditions:-

(I) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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 step 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.

(Rajesh Kumar Verma, J)

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