

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45753 of 2023

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

REKHA SINGH @ REKHA DEVI Wife of Shailendra Kumar Singh Resident
of village - Tarapatti, P.s. - Khajauli, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45755 of 2023

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

PRASHANT KUMAR SINGH SON OF SHAILENDRA KUMAR SINGH
VILLAGE TARAPATTI, P.S. KHAJAULI, DISTRICT MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 45753 of 2023)

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

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

(In CRIMINAL MISCELLANEOUS No. 45755 of 2023)

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

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 5 11-09-2023 1. Heard learned counsel for the petitioners, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.
2. Petitioners, who are in custody since 08.05.2023 &
29.04.2023 seek bail in connection with Khajauli P.S. Case No.
27/2022 dated 26.02.2022, registered for the offences



punishable under Sections 341, 323, 354B, 379, 504, 506 of the I.P.C. & Section 8 of POCSO Act.

3. According to prosecution case, the petitioners are alleged to have tortured the victim with bad intention and tried to kill her by pressing her neck and also abused her and tried to commit rape.

4. Learned counsel for the petitioners submits that the petitioner no.1 has clean antecedent and the petitioner no.2 has got two criminal antecedent other than the present one and they have falsely been implicated in the present case. He further submits that the present case is counter blast of Khajauli P.S. Case no. 26/2022 filed by the petitioner no.1 Rekha Singh against so called victim. The allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that the husband of the petitioner no.1 and father of the petitioner no.2 namely Shailendra Kumar Singh has been granted bail by this court vide order dated 26.07.2023 passed in Cr. Misc. No. 32618/2023 and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 08.05.2023 & 29. 04. 2023 respectively.

5. Learned counsel for the informant as well as learned



Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners and submits that there is direct and specific allegation against the petitioners that they have involved in the present crime in question and sufficient material has come during investigation to suggest the involvement of the petitioners in the present occurrence. Apart from that, petitioner no. 2 has carried two antecedent other than the present one but fairly submits that the petitioner no.1 has clean antecedent.

6. Considering the aforesaid facts and circumstances as well as period of custody, 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-VI-cum-Special Judge (POCSO), Madhubani in connection with Khajauli P.S. Case No.27/2022, 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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