

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51718 of 2023

Arising Out of PS. Case No.-966 Year-2022 Thana- BIHAR District- Nalanda

RAJA BABU SRIVASTAVA Son of Vidya Ram Srivastava Resident of
Village-Akuli, P.S.-Bilsa, District-Badaya (U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anurag Saurav, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Bihar Police Station Case No. 966 of 2022 registered under Section 366(A) of the Indian Penal Code lodged on 08.12.2022 by the informant, Gudiya Devi.

As per the prosecution story, two girls 'x' and 'y' went out for tuition but failed to return. Subsequently, while 'x' was found in Ambala and 'y' was in Delhi. Both were brought back and as per 'y' earlier she stated that she married to the petitioner and later she changed/retracted her version and further both girls failed to go for medical examination.

The case of the petitioner is that actually, the girl had come to Delhi where he was working as a care taker and he



put her as maid. Later, his brother came and demanded the amount to be increased. As he failed to do so, this followed the FIR.

He has taken this Court to the statement made by the girl 'y' under section 164 of the Cr.Pc. in which she has stated that she was beaten by her brother and as such, she was taken to Delhi by this petitioner.

Learned APP for the State opposes the prayer for bail stating that both the girls have been found to be minor though he concede that as they failed to go for medical examination, the said charges are not part of the charge sheet.

Considering the submissions put forward by the learned counsel for the parties as also the statement of the victim girl made under Section 164 of the Cr.PC., the petitioner has no criminal antecedent and is in custody since 02.01.2023 (as stated in paragraph-24 of the petition), this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda in connection with Bihar P.S. Case No. 966 of 2022, subject to the 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 appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) 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 his bail bonds;

(v) 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.

(Rajiv Roy, J)

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