

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53632 of 2023

Arising Out of PS. Case No.-318 Year-2022 Thana- RAHUI District- Nalanda

RAM SEWAK KUMAR @ RAM SEWAK RAVIDAS son of Ramashray
Ravidas Village- Amba Ps- Rahui Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-08-2023 Heard the parties.

The petitioner is in custody in connection with
POCSO Case No. 145 of 2022 arising out of Rahui
(Bhaganbigha) P.S. Case No. 318 of 2022 for the offence under
sections 323, 342, 366(a), 376(B) (a), 506 of the Indian Penal
Code and Section 4/6 of the POCSO Act lodged on 10.06.2022.

As per the prosecution story, the informant has
alleged that the girl left to purchase household articles but failed
to return and despite the search, could not be traced out. It was
informed that the named accused persons including this
petitioner are the persons behind the said missing/kidnapping.
Accordingly, the FIR.

Learned counsel for the petitioner submits that he is in
custody since 13.03.2023 and it has been wrongly incorporated



in paragraph 14 for which he will be filing a supplementary affidavit under his own signature by 4:00 p.m. today correcting the period of custody.

He further has taken this Court to the deposition of the informant to show that she has stated that the girl, her daughter had actually went to the house of her father's sister. She was declared hostile.

The girl also in her deposition though supported the prosecution story on cross examination, she deposed that she had gone to the house of her father's sister. It is her further submission that she had signed a paper written by the Police who had not narrated what has been incorporated in the said paper. In paragraph 9, she has also stated that the accused has not done anything wrong.

Learned APP opposes the prayer for bail stating that in her deposition, she has supported the prosecution story.

Considering the two depositions made by the informant as also the victim girl, his period of custody, do not have criminal antecedent, without commenting any further so that the trial is not affected, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned 7th Additional District and Sessions Judge-cum-Special Judge, POCSO, Bihar Sharif, Nalanda, in connection with POCSO Case No. 145 of 2022 arising out of Rahui (Bhaganbigha) P.S. Case No. 318 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 bail bond by the Trial Court itself;

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

With the aforesaid observations, the bail application is allowed.



It is expected that the supplementary affidavit will be
filed by Mr. Anil Kumar Singh by 4:00 p.m. today stating the
correct period of custody of the petitioner.

(Rajiv Roy, J)

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