

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53788 of 2023

Arising Out of PS. Case No.-25 Year-2023 Thana- DARIYAPUR District- Saran

SHIV SHANKAR KUMAR RAI Son of Nagendra Rai Resident of village -
Hewantpur Nanpur, P.S. - Dariyapur, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-08-2023 Heard the parties.

The petitioner is an accused in connection with
Dariyapur P.S. Case No. 25 of 2023 registered for the offences
under sections 341, 323, 324, 307, 354(B), 504 and 34 of the
Indian Penal Code lodged on 20.01.2023 by the informant, Putul
Kumari.

As per the prosecution story, the allegation is that first
the petitioner misbehaved with the girl, she complained to her
parents and when they went to lodge complaint to his house,
allegation is that one Nagendra Ray assaulted the maternal
grand-mother of the informant causing head injury, assault on
other family members of the informant is/are also there. This led
to the FIR.

Learned Counsel for the petitioner submits that only



to make the case graver, the accusation on each and every family members of the petitioner side has been made, he is a young boy of 19 years, do not have criminal antecedent and will not have any connection, whatsoever with the girl and/or her family members.

Further, the last submission is that without accepting the allegation and/or the outcome of the present petition, in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 5,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

Learned APP for the State, on the other hand, opposes the prayer for bail submitting that he is the genesis of the entire occurrence having misbehaved with the victim girl while she was going to the coaching centre.

Though allegation against the petitioner is condemnable, considering his tender age, it would be futile keeping him in the jail with other criminals, he do not have criminal antecedent, is in custody since 21.01.2023 (as stated in paragraph 18 of the bail application), this Court is inclined to



extend him privilege of bail subject to subject to the payment of Rs. 5,000/- as undertaken by the learned Counsel for the petitioner.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned A.C.J.M. XIII, Saran at Chapra in connection with Dariyarpur P.S. Case No. 25 of 2023, 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 *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;

(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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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