

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60020 of 2023

Arising Out of PS. Case No.-280 Year-2023 Thana- MADHAURAH District- Saran

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1. AKHILESH KUMAR S/O RAM RAJ PRASAD R/O VILLAGE-
RUKANDIPUR, PS- DARAUNDA, DISTT- SIWAN
 2. POONAM DEVI WIFE OF AKHILESH KUMAR R/O VILLAGE-
RUKANDIPUR, PS- DARAUNDA, DISTT- SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rajani Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-09-2023 Heard the parties.

2. The petitioners are in custody in connection with Madhowrah P.S. Case No. 280 of 2023 for the offence under sections 370, 371, 372(1)/34 of the Indian Penal Code and 8 POCSO Act and 75/79 J.J. Act and 3/4/5/6 I.T.P. Act 1956 and 16/17/18 bounded Labour system (Aboilation) Act, 1976 lodged on 23.05.2023 by the informant, Jairam Prasad.

3. As per the prosecution story, the allegation is that the Police upon information, raided Saran Orchestra and recovered the girls. Accordingly the FIR.

4. Learned counsel for the petitioners submits that the Police has exaggerated the case and has implicated both the



petitioners who are husband and wife. Further, though the Police claims that they were forcibly asked to do illegal works, the girl has made statement under section 164 of the Cr.P.C. in which she has stated that she was working on her own and never forced by the petitioners or any illegal act done by them.

5. Learned APP opposes the prayer for bail.

6. Taking into account the statement of the girl under section 164 of the Cr.P.C. as also the fact that the petitioner no. 2 is a lady, both of them are in custody since 23.05.2023 (as stated in paragraph 7 of the petition), this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners, above named, 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 Addl. Session Judge VI cum Special Judge POCSO Act, Saran at Chapra, in connection with Madhowrah P.S. Case No. 280 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/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners 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 the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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