

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58128 of 2022

Arising Out of PS. Case No.-155 Year-2022 Thana- RIGA District- Sitamarhi

NETI LAL RAI SON OF LATE TALEWAR RAI @ LATE TALESHWAR
RAI R/O VILLAGE- KATHARI REWASI PAKRI, P.S.- RIGA, DISTT.-
SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhubala Verma

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Riga P.S. Case No. 155 of 2022, registered for the offence punishable under Sections 363, 366(A)/ 34 of the Indian Penal Code.

The case of the prosecution, in brief, in that on 30.04.2022 at about 4:00 pm., the minor daughter of the informant had gone out of the house to collect grass for the cattle, however, when she did not return, the informant and others started searching for her, whereupon, it came to their knowledge that the daughter of the



informant has been kidnapped by the accused persons including the petitioner herein.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 02.06.2022. The learned counsel for the petitioner has further submitted that the petitioner is aged about 80 years and has got no complicity in the matter, which would be apparent from the impugned order dated 15.09.2022 wherein the learned Additional Sessions Judge VI cum Special (POCSO Act), Sitamarhi has recorded that the victim, in her statement made under Section 164 of the Cr.P.C. before the learned Magistrate, has not levelled any allegation against the petitioner. In such view of the matter, the petitioner be granted the privilege of bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner is aged about 80 years, he is having a clean antecedent and the victim girl has not alleged, in her statement made under Section 164 Cr.P.C. before the learned Magistrate that she was kidnapped by the petitioner, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Sitamarhi in connection with Riga P.S. Case No. 155 of 2022.

(Mohit Kumar Shah, J)

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