

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18540 of 2024

Arising Out of PS. Case No.-39 Year-2022 Thana- MAHILA P.S. District- Vaishali

Vijay Kumar Singh @ Vijay Singh S/O Parasnath Singh R/O Mohalla- Lal Pokhar Dighi Kala, P.S- Hajipur Sadar, Distt.- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Reeta Kumari D/O Dilip Thakur R/O Village- Ranjeetpur, P.S- Khanpur, Distt.- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Subodh Kumar, Advocate
For the State	:	Mr.Ajay Kumar Jha, APP
For the Informant	:	Mr.S.P. Parasar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 10-05-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Hajipur Mahila P.S. Case No. 39 of 2022 registered on 03.09.2022 for the alleged offences under Sections 346, 347, 368, 372, 376/120(B), 341 of the Indian Penal Code read with Section 4/6 of POCSO Act.

3. As per prosecution case, the co-accused persons caught the informant and confined her in the house of the petitioner and the co-accused persons forced the informant to make physical relation. After sometime, the informant was liberated from her confinement.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. It is true that the house from which the informant was recovered belongs to this petitioner but he has let out the house on rent to co-accused Heera Devi. He does not reside in the said house. The petitioner has no knowledge about the activities of co-accused Heera Devi. The victim has not made any allegation against the petitioner in her statements, recorded under Section 164 or 161 Cr.P.C. Initially recommendation for submission of closure report was made against the petitioner, however, with the change of guards, subsequently suspicion was raised by the supervising officer that he might also be involved. Neither mother nor father of the informant nor any other witness has supported the prosecution case and they have also not disclosed the name of the petitioner. The petitioner is languishing in custody since 25.11.2023 and he is having clean antecedent. Learned counsel further submits that the petitioner is suffering from various ailments.

5. Learned APP as well as learned counsel for the informant oppose the submission made on behalf of the petitioner. The learned APP submits that from the facts of the case there is strong possibility that the petitioner might also be involved.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague nature of allegation against the petitioner and also the



period of custody and wrong submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge POCSO, Vaishali in connection with Mahila P.S. Case No. 39 of 2022 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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