

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21273 of 2024

Arising Out of PS. Case No.-276 Year-2017 Thana- RAJPUR District- Buxar

Rishi Pal, Son of Ramvachan Pal, Resident of Village- Khiri, P.S.- Rajpur,
District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 02-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Rajpur P.S. Case No. 276 of 2017, registered for the alleged offences under Sections 363, 365, 302, 201 and 377 of the Indian Penal Code and Section 4 of the POCSO Act.

3. As per prosecution case, the minor son and the nephew of the informant went missing and a case was registered against unknown. During trial, the name of the petitioner and some other co-accused persons transpired for being involved when the deposition of the witnesses was being recorded.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was an illiterate person and it is not



believable that the ransom note was written by this petitioner who has been apprehended merely on suspicion. None of the witnesses is an eye witness. The ransom note was sent for forensic examination and it has been reported that it could not be said that the same was written by the petitioner. Learned counsel further submits that the prosecution witnesses no. 1 and 2 stated about petitioner being seen at the shop of one Uma Sah with deceased boys but said Uma Sah has not been made a witness in this case. Learned counsel further submits that the petitioner is in custody since 30.10.2017 and trial is yet to be concluded. Learned counsel further submits that since late 2022 the matter has been fixed for argument but the learned trial court has kept the matter at the stage of argument and has not made any endeavour to complete the trial.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that there is specific allegation against the petitioner which has come in deposition of witnesses during trial and the petitioner has been named as accused under provision of Section 319 of the Cr.P.C.

6. On perusal of the record, it transpires that this is the fourth attempt of the petitioner to seek bail from this Court. The prayer for bail was rejected thrice by a co-ordinate Bench of this



Court.

7. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the long incarceration of the petitioner and further considering the fact that the trial has remained stuck for almost two years at the stage of argument, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. VI-cum-Special Judge, POCSO Court, Buxar, in connection with Rajpur P.S. Case No. 276 of 2017, subject to 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 on 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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