

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18413 of 2024

Arising Out of PS. Case No.-513 Year-2021 Thana- DUMRA District- Sitamarhi

Shiv Sharan Rai @ Shivu @ Shibbu Son of Kapil Rai @ Kapal Ray R/o
Village - Simra, Ward No.- 4, P.S.- Dumra, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 13-03-2024 Heard learned counsel for the Petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with Sessions Trial Case No. 744 of 2023 arising out of Dumra P.S. Case No. 513 of 2021, dated 19.12.2021 registered for the offences punishable under Sections 363 and 366A of the Indian Penal Code.

3. Mr. Ashok Kumar Jha, learned counsel appearing for the petitioner submits that the petitioner earlier filed Cr. Misc. No. 53496 of 2022 for the relief of regular bail which was rejected by this Bench with giving him a liberty to renew his prayer for bail after the examination of the victim before the trial court and in the light of said liberty, the petitioner has again come before this Bench for the same relief as in the trial of the



petitioner, the so-called victim has been examined as prosecution witness. Learned counsel further submits that the petitioner who is a young persons, has been languishing in jail since 07.03.2021 having fair and clean antecedent and till date only one prosecution witness, victim has been examined so far and the petitioner's trial is at initial stage. Further submission is that the petitioner is not named in the FIR and as per prosecution story, the date of occurrence is 15.12.2021 but the FIR was registered on 19.12.2021 and the so-called victim changed her version while recording her statement before the Judicial Magistrate and there are serious contradictions in between the statements recorded by her before the Judicial Magistrate and her deposition.

4. Mr. Ramchandra Sahni, learned APP appearing for the State has opposed the prayer for bail of the petitioner.

5. Considering the above submissions and mainly taking into account the petitioner's custody period as well as stage of his trial and his fair and clean antecedent coupled with his young age, this Court is now inclined to accept the prayer for bail of the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of the concerned Court in connection with Sessions Trial No. 744 of 2023 arising out of Dumra P.S. Case No. 513 of 2021 on the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of his bail.

(iii) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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