

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35415 of 2024

Arising Out of PS. Case No.-56 Year-2022 Thana- RIGA District- Sitamarhi

1. Manju Devi Wife of Kailash Singh R/O - vill - Chainpura, P.S- Riga , Dist- Sitamarhi
2. Most. Sita Devi Wife of late Suklu Singh R/O - vill - Chainpura, P.S- Riga , Dist- Sitamarhi
3. Shailendra Singh S/o- Late Rajendra Singh R/O - vill - Chainpura, P.S- Riga , Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Surendra Kishore Thakur, Advocate
For the Opposite Party/s	:	Mr.Ram Priya Sharan Singh, APP
For the Informant	:	Mr. Raghvendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are in judicial custody in connection with Riga P.S. Case No.56 of 2022 instituted under Sections 147, 148, 149, 323, 452, 379, 354(B), 366(A) / 511, 504 of the I.P.C. and 4/8 of POCSO Act.

3. As per the complaint, the accused persons forming unlawful assembly entered the house of the informant / complainant and after assaulting the family members also tried to outrage the modesty of the women present there and snatched



a silver chain worth Rs.12,000/- and further tried to kidnap the victim girl.

4. Learned counsel for the petitioners submits that a bare perusal of the FIR would show that due to dispute between both the parties which is going on regularly, an exaggerated F.I.R. has been lodged. His further submission is that although the occurrence took place on 11.11.2021 but complaint was filed on 23.11.2021 which shows that it was well thought plan to implicate them in this case. His further submission is that there is dispute between the couple for which already a Complaint Case No.748/2022 has been lodged and this is just a corollary to that. Further submission is that co-accused, Kailash Singh has been granted by this court vide order dated 16.12.2022 passed in Cr. Misc. No. 54228 of 2022. The last submission is that the victim girl is not a minor as she was medically examined on 14.09.2022 and was found to be 18 years of age and thus on the date of occurrence she was 19 years old.

5. Learned APP for the State opposes the prayer for bail though concede that others have been granted bail.

6. Taking into account the aforesaid fact that the victim girl was medically examined and was found to be 18 years of age as on 14.09.2022, (which is part of the bail



application as Annexure-4) as also the fact that the petitioner no. 1, has remained in custody since 03.01.2024 and petitioner nos. 2 & 3 have remained in custody since 19.12.2023 (as stated in para-16 of the bail application), charge-sheet stands submitted, this Court is inclined to grant him privilege of bail.

7. Let the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Riga P.S. Case No.56 of 2022 to the satisfaction of learned A.D.J., Vith-cum-Special Judge (POCSO) Act, Sitamarhi, subject to following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show their 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 the bail bonds.

(Rajiv Roy, J)

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