

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45184 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- KIUL District- Lakhisarai

Uttam Kumar S/o Tunni Yadav R/o vill - Goddih, P.S. - Kiul, Distt. - Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arti Kumari @ Khushbu Kumari D/o Balmiki Yadav @ Rahul Yadav R/o vill - Goddih, P.S. - Kiul, Distt. - Lakhisarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 18-09-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Kiul P.S. Case No.26 of 2024 for the offences punishable under Sections 341, 323, 324, 354(B), 448, 427, 504/34 of the Indian Penal Code and Section 8 of the POCSO Act lodged on 28.03.2024 by the informant.

3. As per the prosecution story, the girl alleged that when she went to her field to get some fodder, the petitioner came with wrong intention, threw her on the field and tried to disrobe her. Upon objection, he used sickle to hit in the eyes causing injury. Later, he along with his family members entered the house and thrashed the sister-in-law. They went to Sadar



Hospital for treatment followed by Patna again for further treatment. Thereafter the FIR.

4. In this case notice was issued to Opposite Party No.2 which has been received by the family member. There is no appearance from the victim's side.

5. Learned counsel for the petitioner submits that though allegation of assault is there, no medical report is on record. He further submits that exaggerated FIR has been lodged for which, he is in custody since 29.03.2024 (para-16 of the petition).

6. Learned APP, on the other hand, opposes the prayer stating that the girl has narrated that she was taken to Sadar Hospital and thereafter to Patna for treatment but the report is unavailable.

7. This Court has also taken note of the fact that even in the order of the learned Additional Sessions Judge, Lakhisarai, there is nothing about the medical report. Taking into account the statement of the petitioner that no medical report is on record but the injury of the victim as also his period of the custody, this Court is inclined to extend him the privilege of bail.

8. However, if it is found that the informant indeed



has suffered injuries as narrated in the FIR and the medical report is present which is presently not in the case diary, the order shall become infructuous.

9. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VI-Cum-Special Court POCSO, Lakhisarai, in connection with the aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner 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;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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