

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26421 of 2024

Arising Out of PS. Case No.-315 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

NIHOR KUMAR @ NIHOR BIND SON OF MAHENDRA BIND
RESIDENT OF VILLAGE - JIGANPURWA, P.S. - BHABUA, DISTRICT -
KAIMUR AT BHABUA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 49496 of 2024

Arising Out of PS. Case No.-315 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

Butani Devi @ Dewanta Devi Wife of Mahendra Bind R/O Vill.- Sherpur,
P.S.- Chainpur, Dist.- Kaimur at Bhabua

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rita Devi W/O- Dadan Bind R/O Of Vill.- Sherpur, PS- Chainpur, District-
Kaimur at Bhabua

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 26421 of 2024)

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the State : Mr. Bhanu Pratap Singh, APP

For the Informant : Mr. Tribhuwan Narayan, Advocate

(In CRIMINAL MISCELLANEOUS No. 49496 of 2024)

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the State : Mr. Rajendra Singh, APP

For the Informant : Mr. Tribhuwan Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 19-07-2024 Heard learned Counsel for the petitioners, Informant
and learned APPs' for the State.

2. The two petitioners herein are mother and son and
have come for grant of bail in connection with Chainpur P.S.



Case No. 315 of 2023 for the offence under sections 343, 366, 376 of the Indian Penal Code and Section 6 of the POCSO Act lodged on 09.10.2023 by the informant, Rita Devi.

3. As per the prosecution story, it has been alleged that the informant's daughter was missing and later got information that Nihor Ram along with the grand mother and mother with other accused persons have kidnapped the girl and solemnized the married with him. Accordingly, the complaint.

4. Learned Counsel for the two petitioners submit that the boy was having relationship with the girl, both eloped but the same was given a different colour which resulted into their custody. He submits that earlier the girl before the Police narrated that she went to her aunt's house, in under section 164 of the Cr.P.C. statement which was recorded much later, she alleged that the boy has committed wrong upon her after putting her in the room for the couple of days.

5. Learned Counsel appearing on behalf of the informant, on the other hand, submits that they had taken the girl on a Bolero, kept her in a room where the boy raped her. It is his submission that now the trial is on and if granted bail they will delay the same. Learned Counsel for the petitioners submit that in case the bail is granted to the two petitioners, they will be



appearing on each and every day and failure to do so without any plausible reason, the Trial Court may take extreme steps of cancelling their bail bonds.

6. The petitioner Nihor Kumar @ Nihor Bind is 20 years old, student, do not have criminal antecedent and he is in custody since 14.03.2024 (paragraph-18 to the petition).

7. On the other hand, his mother, Butani Devi @ Dewanta Devi also do not have any criminal antecedent and is in custody since 09.05.2024 (paragraph-10 to the petition).

8. Considering the aforesaid facts, F.I.R. is there, trial is on, they have to suffer the consequences pursuant to the conclusion of the trial, have undertaken to appear on each and every date, this Court is inclined to extend them privilege of bail.

9. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Court of Spl. Judge, POCSO Act, Kaimur at Bhabua in connection with Chainpur P.S. Case No. 315 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioners 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 their 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 their bail bonds.

(Rajiv Roy, J)

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