

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3022 of 2024**

Arising Out of PS. Case No.-119 Year-2024 Thana- KALYANPUR District- Samastipur

SHATRUGHAN KUMAR @ RAJA KUMAR SON OF DINESH SAH
RESIDENT OF VILLAGE - PARTAPUR, P.S. - KALYANPUR, DISTRICT -
SAMASTIPUR

... .. Appellant/s

Versus

- 1. THE STATE OF BIHAR
- 2. KIRAN DEVI WIFE OF HIRA LAL PASWAN RESIDENT OF VILLAGE -
CHAANDHARPUR, P.S. - KALYANPUR, DISTRICT - SAMASTIPUR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jitendra Sinha, Adv.
For the Respondent/s : None

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 05-12-2024 Heard learned counsel for the appellant and the
informant.

2. The present memo of appeal is directed against the
order dated 11/06/2024 passed in Kalyanpur P.S. Case No.- 119
of 2024 by the learned court of Additional Sessions Judge- VI
cum Special Judge (POCSO) Dist.- Samastipur whereby and
where under the learned Judge has been pleased to refuse the
prayer of Regular Bail of the appellant in Kalyanpur P.S. Case
No. 119 of 2024 registered under sections 306 & 506 of the IPC
& section 3(1)(s)/3(1)(r)/3(2) (va) of the SC/ST (POA) Act,
1989. Presently the case is pending in the court of the learned
court of Additional Sessions Judge-VI cum Special Judge



(POCSO) Distt.- Samastipur.

3. As per the prosecution story, the informant alleged that while going to school, the minor daughter was repeatedly teased by the appellant and wanted to marry her. Fed up with the said activities, she committed suicide. Accordingly, the FIR.

4. Learned counsel for the appellant submits that they were in relationship which was resented by the informant's side, they wanted her to get married to the boy of their choice, once the marriage was fixed, it was not accepted by the girl who took the ultimate step and left this world. However, the person who was in relationship has been made an accused and he is in custody since 20.05.2024 (para 4 of the petition), the appellant is only 21 years of age having no criminal antecedent.

5. Learned counsel appearing on behalf of the informant who has appeared on notice opposes the prayer submitting that fed up with the attitude of the appellant, she committed suicide.

6. In this case, case diary was called for by the Coordinate Bench and learned counsel for the appellant has taken this Court to para 30 which is the statement of an independent witness according to which the boy and the deceased were in a relationship. Of late, the family of the girl



had fixed the marriage of the deceased somewhere else and upon knowledge, she committed suicide.

7. The case has been lodged, the trial will go on and the appellant will face the consequences, this Court is hearing the bail matter in which prima facie case has been made out by the appellant, he is a young boy of 21 years, in custody since 20.05.2024 having no criminal antecedent. In that background, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the appellant be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned court of Additional Sessions Judge-VI cum Special Judge (POCSO), Dist. Samastipur in connection with Kalyanpur P.S. Case No. 119 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the appellant who shall provide official document to show his/her bona fide;

(ii) the appellant 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 appellant shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the appellant 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 appellant 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.

9. The order dated 11/06/2024 passed in Kalyanpur P.S. Case No.- 119 of 2024 by the learned court of Additional Sessions Judge- VI cum Special Judge (POCSO) Dist.- Samastipur is set aside and the appeal stands allowed.

(Rajiv Roy, J)

Vijay Singh/-

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