

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48084 of 2024

Arising Out of PS. Case No.-19 Year-2023 Thana- RIGA District- Sitamarhi

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1. INDU DEVI @ SUSHEELA DEVI WIFE OF VISHNUDEO BHANDARI @ VISHUNDEV BHANDARI @ VISHUN DEO BHANDARI RESIDENT OF VILLAGE - BHAVDEPUR, P.S. - RIGA, DISTRICT - SITAMARHI
 2. VISHNUDEO BHANDARI @ VISHUNDEV BHANDARI @ VISHUN DEO BHANDARI SON OF PAVITRA BHANDARI RESIDENT OF VILLAGE - BHAVDEPUR, P.S. - RIGA, DISTRICT - SITAMARHI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. RAGHURAI SAHNI SON OF LATE BIKHARI SAHNI RESIDENT OF BHAVDEPUR, WARD NO. 1, P.S. AND DISTRICT - SITAMARHI

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-07-2024

Heard the parties.

2. The petitioners are in custody in connection with Riga P.S. Case No. 19 of 2023 for the offence punishable under section 366A of the Indian Penal Code lodged on 09.01.2023 by the informant, Raghurai Sahni.

3. As per the prosecution story, the informant alleged that he alongwith his wife returned from field and found the minor victim girl/daughter missing alongwith Rs. 50,000/- and the bicycle. When the informant went to the house of the petitioners who are related to the person, Rakesh Bhandari who is alleged to have accompanied the girl, Rakesh Bhandari was sitting there and chose not to give any assistance in bringing back the girl. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that



admittedly, the FIR would show that the girl was in talking terms with Rakesh Bhandari who distantly is related as grandson, they are elderly couple, have no role to play, have no criminal antecedent and/are in custody since 16.03.2024 (paragraph – 14 of the petition).

5. Learned APP opposes the prayer submitting that the girl is missing alongwith Rakesh Bhandari.

6. Taking into account the aforesaid facts as also that the main allegation is against Rakesh Bhandari, these petitioners have already remained in custody, FIR lodged, will be facing the trial and do not have any criminal antecedent, this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners 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 Additional Sessions Judge VI-cum-Special Judge, POCSO Act, Sitamarhi, in connection with Riga P.S. Case No. 19 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 his/her 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 their bail bonds.

8. As the girl is still missing, the Superintendent of Police, Sitamarhi is directed to look into the matter and do the needful and if necessary, assign the case to a Police Officer not below the rank of Deputy Superintendent of Police so that the girl is recovered.

9. Let a copy of the order be communicated to the office of Superintendent of Police, Sitamarhi.

(Rajiv Roy, J)

Adnan/-

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