

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56356 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- MURAR District- Buxar

RAKESH KUMAR SON OF RADHESHYAM YADAV @ RADHESHYAM
SINGH RESIDENT OF VILLAGE - MASARHIYAN, P.S. - MURAR,
DISTRICT - BUXAR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sheobhajan Singh S/o Late Baban Singh R/o Village - Masarhiyan, P.S.-
Murar, Distt.- Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bachan Ojha, Advocate
For the Opposite Party/s	:	Mr. Khurshid Anwar, APP
For the Informant	:	Mr. Dimpal Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 18-11-2024 Heard Mr. Bachan Ojha, learned counsel for the
petitioner, Mrs. Dimpal Kumari as also the learned APP.

2. The petitioner is in custody in connection with
Murar P.S. Case No. 06 of 2024 for the offence punishable
under sections 363 and 366(A) of the Indian Penal Code and
Section 8 of the POCSO Act lodged on 20.02.2024 by the
informant, Shivbhajan Singh.

3. As per the prosecution story, the informant alleged
that the minor daughter went for coaching but failed to return.
Locals saw her moving on a tempo with this petitioner. This led
to the FIR.

4. Learned counsel for the petitioner submits that



subsequently, the victim girl returned and under Section 164 of the Cr.P.C., made statement that the boy took her to Haryana and then they returned to Buxar via Delhi when the Police took them in custody. Further, she has not narrated anything wrong against the petitioner.

5. Learned counsel for the informant on the other hand opposes the prayer submitting that the girl is minor and there is allegation that the boy took her away to Haryana and Delhi before he returned to Buxar and arrested.

6. Taking into account the submissions put forwarded by the parties as also the fact that the girl has narrated nothing wrong against this petitioner, she was moving in the full public view, there is nothing on record to show that she raised alarm, FIR is there, the petitioner will be facing the music, is in custody since 25.03.2024 (paragraph-6 of the petition) and have no criminal antecedent, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner 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 ADJ-VI-Cum-Spl. Judge, POCSO Act, Buxar, in connection with Murar P.S. Case No. 06 of 2024 subject to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 fortnight for six months 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)

Adnan/-

U		T	
---	--	---	--

