

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2168 of 2024

Arising Out of PS. Case No.-558 Year-2023 Thana- SITAMARHI District- Sitamarhi

Jai Kishore Kumar, age about 31 years (Male), S/O Shivaji Mahto @ Shivaji Kushwaha, R/O Vill- Sirahi, P.S.- Riga, Dist.- Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar
2. Rekha Kumari, age about 19 years (Female), D/O Kailash Rai, R/O Village- Lalbandi, P.S.- Sonbarsa, Dist- Sitamarhi.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate
For the State : Mr. Md. Ataur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 19-06-2024 This matter has been listed under the heading “For Orders (on office notes)”.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Sitamarhi P.S. Case No. 558 of 2023 dated 13.07.2023 registered for the offences punishable under Section 376 DA of the I.P.C., and Section 4/6 of the POCSO Act.

4. As per the prosecution case, on 12.07.2023 at about 3.00 P.M., the co-accused Indrajeet Kumar Yadav @ Jeetu called on the mobile of the victim and told her to go to Sitamarhi with him as he would solemnize her marriage in well



to do family, having faith on him, the victim went at that place. He took her away to Sitamarhi in a room of his friend where three persons, namely, Jai Kishore Kumar (petitioner), Saurabh Yadav @ Sonu and Anil Kumar were present from earlier, they committed rape on her. Somehow or other, the victim fled away from their captivity.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the victim has been medically examined and the doctor has found her age to be 18-20 years old and no evidence of any sexual assault has been found on the victim. It is further submitted that the 164 Cr.P.C. statement of the victim has been recorded in which she did not name the petitioner rather she has named the co-accused Sonu @ Saurabh Yadav, Anil and Hari Kishore Yadav who committed rape on her. Lastly, the co-accused Indrajeet Kumar Yadav @ Jeetu left the victim to her house. It is further submitted that there is no statutory compliance of Sections 164A and 53A of the Cr.P.C. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 14.07.2023.

6. Learned A.P.P. for the State has vehemently



opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI-cum Special Judge POCSO Act, Sitamarhi in connection with Sitamarhi P.S. Case No. 558 of 2023 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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