

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74054 of 2024

Arising Out of PS. Case No.-171 Year-2023 Thana- MADHEPURA District- Madhepura

Rishi Raj Kumar @ Rishi Raj Sah, Son of Late Shankar Sah @ Shiv Shankar Sah, Resident of Village -Madhepura Laxmipur Mohalla Ward No 16, PS -Madhepura, Dist- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Madhu Devi, Wife of Madan Ray, Resident of Rajput Tola, Banmankhi, Ward No. 5, Ps- Banmankhi, Dist- Purnea. Presently Reside at Laxmipur Mohalla, Ward no. 16, P.S. and Dist- Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Singh, Adv. Mr. Ambrish Rahul, Adv.
For the State	:	Mr. Binod Kumar No. 3, APP
For the O.P. No. 2	:	None.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 09-04-2025 Heard Mr. Ashok Kumar Singh, learned counsel for the petitioner and Mr. Binod Kumar No. 3, learned APP for the State. No one appears on behalf of the O.P. No. 2.

2. Petitioner seeks regular bail in connection with Madhepura P.S. Case No. 171 of 2023 dated 16.02.2023 registered for the offence punishable under section 363 of the Indian Penal Code (in short 'IPC') and later on, sections 366(A), 504 and 506 of IPC and sections 7 and 8 of the POCSO Act were added.

3. The main submissions advanced by petitioner's counsel are that the petitioner has been languishing in jail since 23.03.2024 and the victim did not level any allegation of sexual assault against this petitioner in her statement recorded under section 164 of Cr.P.C., in fact, a false story has been created on account of petitioner's



appointment on the post of Supervisor for the management of garbage of ward No. 16 and in this regard, specific statement has been made in paragraph No. 9 of the petition. It is further submitted that the victim's age has been assessed between 17 and 19 years and the petitioner has fair and clean antecedent and his trial has started and despite the framing of charges before 23.10.2024, the trial is at the same stage as no prosecution witness has been examined till date, whereas the trial court mentioned a tentative period of three months for completion of the trial, in its letter dated 23.10.2024.

4. Learned APP for the State has opposed the bail prayer of the petitioner.

5. Considering the aforesaid submissions and mainly taking into account the petitioner's custody period as well as no progress in the trial of the petitioner as stated above, this Court is inclined to release him on bail. Accordingly, let the petitioner named above be released 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 the court concerned in connection with Madhepura P.S. Case No. 171 of 2023.

(Shailendra Singh, J)

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