

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79220 of 2024

Arising Out of PS. Case No.-259 Year-2024 Thana- DARIYAPUR District- Saran

- 1. Satyendra Singh Son of Bhageran Singh Resident of Village- Dariyapur, P.S. - Dariyapur, District - Saran
- 2. Raju Singh Son of Bhageran Singh Resident of Village- Dariyapur, P.S. - Dariyapur, District - Saran
- 3. Jitendra Singh @ Jitendra Kumar Singh Son of Bhageran Singh Resident of Village- Dariyapur, P.S. - Dariyapur, District - Saran

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Miss X Daughter of Sukan Manjhi @ Supan Manjhi Resident of Village- Dariyapur, P.S. - Dariyapur, District - Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate
For the Opposite Party/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-04-2025 Heard Mr. Manish Kumar Chandra Gandhi, learned counsel for the petitioners as well as Ms. Usha Kumari-1, learned Special Public Prosecutor for the State and learned counsel for the O.P. No. 2.

2. The petitioners are apprehending their arrest in connection with Dariyapur P.S. Case No. 259 of 2024, F.I.R. dated 03.05.2024 for the offences punishable under Sections 341, 323, 452, 504, 506, 354(B) and 34 of the Indian Penal Code as well as Sections 8 and 12 of the POCSO Act and Sections 3(1)(r)(s)(w) of the SC/ST Act.

3. According to prosecution case, the informant aged 14 years alleged that at around 10:00 PM when she was sleeping in her courtyard, two persons entered her house and one of them took her outside and assaulted her and her parents with iron rod and during that scuffle they became injured.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. There is case and counter case. Although, the petitioners are named in the F.I.R. and there is specific allegation against them that they assaulted the informant and her family members. Although, they have received injury but the injury inflicted upon the injured persons is simple in nature caused by hard and blunt object. As per the allegation, the petitioners have used abusive language towards the informant and her family members but the same occurrence took place in the house of the informant which is not a public place, so no case is made out for SC/ST Act against these petitioners.

5. The learned Additional Public Prosecutor as well as learned counsel for the O.P. No. 2 has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts that the

petitioners have clean antecedent. There is case and counter case. Injury inflicted upon the injured persons is simple in nature, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Additional Sessions Judge, (POCSO), Saran, Chapra, in connection with Dariyapur P.S. Case No. 259 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall

verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J.)

Jyoti Kumari/-

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