

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82995 of 2024

Arising Out of PS. Case No.-247 Year-2024 Thana- MAJORGANJ District- Sitamarhi

1. Vijay Thakur Son of Mithu Thakur R/O Vill.- Rasulpur, P.S.- Majorganj, Dist.- Sitamarhi.
2. Shanti Devi Wife of Vijay Thakur R/O Vill.- Rasulpur, P.S.- Majorganj, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Phul Kumari Devi wife of Bhola Raut Resident of Village Rasulpur, P.S. Majorganj, Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Kumar, Adv.
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP
For the informant	:	Mr. Kanishka Shankar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 20-02-2025 Heard Mr. Uday Kumar, learned counsel for the petitioner (Vijay Thakur) ,Mr. Kanishka Shankar for the informant and Mr. Jitendra Kumar Singh, learned APP.

2. The petitioner is in custody in connection with Majorganj P.S. Case No. 247 of 2024 for the offence punishable under sections 363, 365, 506, 34, 366A, 120B of the Indian Penal Code lodged on 09.08.2024 by the informant, Phoolkumari Devi.

3. The details already stands incorporated in the order dated 04.12.2024 and this order be read in continuation of the said order.



4. Pursuant to the order dated 04.12.2024, the case diary, the criminal antecedent report as also the statement of the victim girl under Section 164 of the Cr.P.C. is/are available and this Court has gone through the said statement.

5. Admittedly, though the record of the present petition shows that they solemnized marriage, her statement is that she was forcibly taken by Chandrika Thakur and in the garb of solemnization of marriage, she was repeatedly raped, this continued even after their return.

6. So far as petitioner no. 1, Vijay Thakur is concerned, the role of witness as also being the family member is abettor. He has remained in custody since 10.08.2024 (paragraph 4 of the petitioner) and has no criminal antecedent.

7. Learned counsel for the informant submits that his role has come up in course of investigation which cannot be ignored as he helped his nephew, Chandrika Kumar @ Chandrika Thakur in taking the girl away and forcing her to marry him.

8. Learned APP also equals the same view though concede that he has remained in custody for long.

9. Taking into account the aforesaid facts as also that mainly, the role of taking away is on Chandrika Kumar @



Chandrika Thakur. FIR is there, the petitioner no. 1 as also other accused will fact the music, earlier, petitioner no. 2, Shanti Devi was granted bail, this Court has gone through the facts of the case/case diary as also Section 164 Cr.P.C. statement, considering the aforesaid facts as also the petitioner no. 1, Vijay Thakur is of 58 years of age having no criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

10. 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 Additional Sessions Judge 6th cum Special Judge (POCSO Act), Sitamarhi in connection with Majorganj P.S. Case No. 247 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 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 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)

Vijay Singh/-

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