

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87358 of 2024

Arising Out of PS. Case No.-58 Year-2020 Thana- TARIYANI CHAPRA PS District-
Sheohar

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Krishnanand Ray @ Krishnand Ray S/O Late Jangi Lal Ray R/O Vill-
Vishwambharpur, P.S- Tariyani Chhapra, Dist- Sheohar (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pawan Devi Wife of Sanjay Mahto R/O Vill- Vishwambharpur, P.S. -
Tariyani, Dist- Sheohar (Bihar)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Shankar Prasad Yadav, Advocate
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2025 Heard Mr. Shiv Shankar Prasad Yadav, the learned

Counsel for the petitioner and Mr. Chandra Sen Prasad Singh,

the learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody

since 10.09.2024, in connection with POCSO Case No. 30 of

2024 arising out of Tariyani Chhapra P.S. Case No. 58 of 2020,

FIR dated 16.09.2020, registered for the offences punishable

under Sections 366(A) and 34 of the Indian Penal Code and

Section 4 of the POCSO Act.

3. According to the prosecution case, seven

persons including the petitioner allegedly kidnapped to the

minor daughter of the informant with intent to get her married



with co-accused Digvijay.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It appears from the F.I.R. itself that although there is no specific allegation of kidnapping against the petitioner but in fact the victim was in love with the co-accused, Digvijay and both of them eloped from their houses and performed the marriage in Kolkata. He further submits that co-accused person, namely, Radheshyam Ray @ Radhey Shyam Rai has been granted bail by a co-ordinate bench of this Court vide order dated 04.10.2021 in Cr. Misc. No. 17085 of 2021, another co-accused person, namely, Chandan Rai has been granted bail by this Court vide order dated 19.10.2022 in Cr. Misc. No. 72107 of 2021 and the police after investigation submitted charge sheet against the petitioner and he is in custody since 10.09.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

6. Considering the facts and circumstances of the case and the nature of allegation and taking into account the other co-accused persons have been granted bail by a co-



ordinate bench of this Court as well as by this Court, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Exclusive), POCSO, Sheohar in connection with Special Case POCSO Case No. 30 of 2024 arising out of Tariyani Chhapra P.S. Case No. 58 of 2020, subject to the following conditions:

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

(ii). If the petitioner tampers 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 learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. 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)

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