

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45268 of 2014

Arising Out of PS.Case No. -80 Year- 2014 Thana -MAHILA P.S. District- SIWAN

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Amit Kumar Singh @ Amit Kumar S/o Kishundeo Singh R/o Village - Dharampura, P.S. Daudpur, District - Saran at Chapra. At present residing at Quarter No. 69, Type - II, P.S. - Pri - Bihar, Delhi - 51.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dewendra Narayan Singh, Advocate.

For the Opposite Party : Mr. Satyavarta Verma (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 24-04-2015 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the informant.

The petitioner seeks bail in Siwan Mahila P.S. Case No. 80 of 2014, registered for the offences punishable under Sections 376(C)(3) of the Indian Penal Code, Section 66(A)(E) of the I.T. Act and Section 6 of the Protection of Children from Sexual Offence Act.

The informant made allegation that Anu Kumari called her from her house and thereafter Alok Kumar made an attempt to commit rape with her. The petitioner Amit Kumar Singh, the petitioner is alleged to have photographed while Alok Kumar was tried to commit rape.

Learned counsel for the petitioner submits that the petitioner did not even touch the body of the informant. The informant filed complaint petition after about one month. She did not allege in the

complaint petition that she was made naked. No photograph was taken nor produced. The petitioner is in jail since 19.08.2014.

On the other hand learned counsel for the informant submits that the petitioner took photographs of the informant and also prepared CD and the same were recovered as it appears from paragraph-3 of the case diary.

There appears that the informant has not made any allegation against the petitioner that he ever touched the body of the informant. The petitioner is only alleged to have taken photographs while Alok Kumar was making attempt to commit rape with the informant. Although, the informant was not made naked. No photograph is brought on record. The petitioner is in jail for more than eight months.

Considering the facts aforesaid, the petitioner above named is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Siwan Mahila P.S. Case No. 80 of 2014.

(Prabhat Kumar Jha, J.)

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