

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5460 of 2019

Arising Out of PS. Case No.-48 Year-2018 Thana- MAHILA P.S. District- Saran

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Ashok Singh, Son of Late Mahatam Singh, Resident of Village - Patar, P.S.-
Karimuddinpur, District- Gazipur, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Kanhaiya Pd. Singh, Sr. Adv. Mr. Dr. Rajesh Kr. Singh, Adv. Mr. A.K. Bhaskar, Adv.
For the Opposite Party/s :		Mr. J. N. Thakur, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 04-02-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is languishing in custody since
05.11.2018 in connection with Mahila P.S. Case No.48 of 2018
registered for the offences punishable under Sections 376(B),
120(B)/34 of the Indian Penal Code and Section 6 of the
POCSO Act.

Prosecution case as per the fardbeyan of Soni Kumari
recorded by S.H.O. Indira Rani, Mahila P.S. Chapra is to the
effect that on 29.10.2018, the informant came with her cousin
brother, Arurag and then some hot exchange arose between them
and the informant went to Chapra Railway station. Thereafter,
her cousin brother Anurag came and requested her to come to



the residence and in the meantime, the police came and Anurag escaped from the scene. Police first detained her and then released thereafter again police caught her and took to Child help centre but in the absence of Mahila police there, the police again brought her and handed over to RPF Mahila constable who locked her in a room and went away. It has further been alleged that in night, one male constable opened the lock and entered into the room, whereupon another person locked the room from outside and thereafter, the male constable committed rape with her. She disclosed the name of this petitioner for the alleged occurrence.

It is submitted by learned counsel for the petitioner that the petitioner is a head constable and posted in RPF Chapra Railway station. The medical report examination suggests the the age of victim as 19 years. The medical report does not suggest any external and internal injury. It is further submitted that the petitioner has not been put on T.I. Parade and the investigation has already been concluded.

Learned APP, however, vehemently opposes the prayer for bail and submits that the informant has levelled specific accusation against the petitioner.

Considering the nature of accusation not being



corroborated by the medical opinion coupled with the fact that the petitioner has not been put on TI Parade and the investigation has already been concluded, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs.10000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Saran at Chapra in connection with Mahila P.S. Case No.48 of 2018.

(Dinesh Kumar Singh, J)

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