

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14562 of 2019

Arising Out of PS. Case No.-101 Year-2018 Thana- MAHILA P.S District- Supaul

SUKDEV SAH @ SUKHDEV SAH, aged about 52 years (in FIR 48 years) (Male), Son of Dhanuk Sah, Resident of Village-Keshav Nagar (Keskatta), P.S.-Pipra, District-Supaul, Presently Resident of Nirmali Chouk, P.S.-Pipra, District-Supaul.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Jitendra Narain Sinha, Advocate.
For the Opposite Party : Mr.Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-07-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since 11.08.2018 in a case for the offence registered under Sections 376, 323, 504, 506/34 of the IPC and 4/6 of POCSO Act.

The prosecution story, in brief, is that the informant used to visit at Haryana for his livelihood. On 20.07.2018, his daughter, namely, Kajal Kumari aged about 13 years, a student of Class-VIIth, started vomiting. Therefore, she was brought to a doctor who disclosed that his daughter was carrying pregnancy of 5-6 months in her womb. On asking, she disclosed that about 5-6 months earlier in the evening, when she was going to attend the call of nature, this petitioner committed rape



with her in the Maize field on the point of knife and thereafter, she was continuously sexually exploited by the petitioner on the pretext of dire consequences of her younger brother. On 21.07.2018 at about 7.00 P.M. the informant and his wife went at Chowk to convey the aforesaid matter upon which, this petitioner and other co-accused said to take Rs. 5,000/- and abort pregnancy of his daughter to which the informant denied and a Panchayati was also held in which the petitioner did not obey the verdict of Panches.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As per F.I.R., the alleged occurrence is said to have taken place 5-6 months prior to institution of F.I.R. No reason has been assigned by the prosecution for delay in instituting the case. Delay in instituting of F.I.R. creates doubt upon the entire prosecution.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let



the petitioner above named, be released on bail on furnishing
bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of
the like amount each to the satisfaction of the learned Additional
Sessions Judge, Ist, Supaul, in connection with Supaul Mahila
P.S. Case No. 101 of 2018.

(Sudhir Singh, J)

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