

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23849 of 2019

Arising Out of P.S. Case No.-176 Year-2018 Thana- PARAIYA District- Gaya

SUNIL SINGH, Male, aged about 50 years, Son of Late Avdhesh Sharma,
Resident of Village-Mahadevpur, Police Station-Paraiya, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-04-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
30.10.2018 in connection with Paraiya P.S.Case No.176 of
2018 for the offence alleged under Sections 367, 368, 366(A),
370, 371, 372, 376, 120(B) and 201 of the Indian Penal Code
and Section 6 of the POCSO Act although it has been submitted
that final form has not been submitted under the POCSO Act.

The prosecution case as lodged by the victim girl
Muskan Khatoon is that on quarrel with her mother she went
away from her house and reached at the railway station where
she met one lady who took her to the house where her husband
Mahendra Das committed rape on her and she was thrown into
prostitution. Thereafter, one Rajesh Yadav had bought her



Rs.21,000/- and was subjected to rape by many persons.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the FIR and during course of investigation, his name surfaced. He submits that the victim girl has been assessed as 18 to 19 years as per the medical opinion and no case against the petitioner is made out who has been falsely implicated because of the highhandedness of the police being a social worker. He further submits that chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent as one more case under serious offence is pending against him.

Considering the nature of allegations and that chargesheet has already been submitted, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Paraiya P.S.Case No.176 of 2018 to the satisfaction of learned Additional District Judge-I-cum-Special Judge, POCSO, Gaya, subject to the following conditions:-



(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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