

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40453 of 2019

Arising Out of PS. Case No.-34 Year-2019 Thana- MAHILA P.S. District- Rohtas

ROHIT SINGH @ SOLU SINGH @ SALU S/o Bijendra Singh @ Vijendra
Singh Resident of New Area, Ward No.25, P.S.- Dehri, District- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Krishna Pd.Singh, Sr. Advocate

Mr. SK Singh, Advocate

For the Opposite Party : Mr.Abhay Kumar, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 20-09-2019 Heard learned counsel for the parties and perused the case diary.

Petitioner is an accused in a case registered for the offence punishable under section 376 and other allied sections of the Indian Penal Code and under sections 4, 8 and 12 of the POCSO Act.

The informant alleges that while she, along with her friend Shivani Soni, was waiting for Auto rickshaw to go to her house, all of a sudden a car stopped near her and they were pulled inside the car. Thereafter, accused persons took them to a house. The informant alleges that one Baijnath took her to a separate room and committed rape on her. 30 to 40 minutes thereafter, her friend Shivani Soni was also brought to that house by the accused persons, who stated that the accused persons also misbehaved with her.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the confessional statement of said co-accused Baijnath to the effect that the petitioner was driving the car at the relevant time, though the victims have not said anything against him. Further,



victims, in their section 164 Cr.P.C. statements contained in paragraphs 52 & 53 of the case diary, have not made any allegation against the petitioner by his name. Petitioner has not been put on test identification parade (TIP) till date and charge sheet has also been filed in the case, as such, there is no chance of tempering with the evidence. Petitioner is an student of Intermediate having no criminal antecedent and he is in custody since 27.4.2019.

Learned counsel for the State opposes the prayer for bail.

In view of the facts and circumstances of the case, prayer for bail to the petitioner is allowed. Let the petitioner, mentioned above, be released 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 Additional Sessions Judge I, Rohtas at Sasaram in Mahila Police Station Case No. 34 of 2019 on the following conditions:-

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

(2) If the petitioner tempers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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