

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70948 of 2018**

Arising Out of PS. Case No.-256 Year-2018 Thana- MASHRAK District-
Saran

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Amit Singh @ Amit Kumar Singh S/o Ugra Narayan Singh, R/o Village-
Suryapura, P.S.- Basantpur, District- Siwan.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ajeet Singh, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 05-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 363, 366(A)/34 of the Indian Penal Code
registered in connection with Mashrakh P.S. Case No. 256 of
2018.

3. It is submitted that the petitioner has been falsely
implicated and the accusations are highly improbable in nature.
From the F.I.R. itself, it is evident that the parties were known to
each other from before. Although the so-called victim girl has
made accusations against the petitioner in her statement
recorded under Section 164 Cr. P.C., it has been stated that the
informant herself had sent her along with the petitioner to bring
a C.D. It has further been stated that the informant's daughter



was going to the market and suddenly met the petitioner on the way who took her on his motorcycle and gave her a bottle of *pepsi* and after drinking it, she became unconscious and then she was taken to Siwan. It is submitted that it is highly improbable that on a chance meeting the petitioner could have administered any drug in the *pepsi* to make her unconscious and carry her away. The medical report does not disclose any injury to private part of the informant's daughter nor any evidence of recent sexual intercourse, which thus belies the allegation of rape. The age of the victim has been assessed at 16-17 years. There is delay in institution of the F.I.R. on 27.07.2018 for the alleged occurrence of 18.07.2018. The petitioner claims clean antecedents.

4. Learned APP opposes the anticipatory bail petition submitting that the informant's daughter has made allegations against the petitioner in her statement recorded under Section 164 Cr. P.C. However, he has not pointed out any objective material from the case diary against the petitioner.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-



VI, Saran at Chapra in connection with Mashrakh P.S. Case No. 256 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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