

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72670 of 2018

Arising Out of PS. Case No.-527 Year-2018 Thana- SONEPUR District- Saran

Santosh Singh, son of Late Ramchandra Singh, resident of Village- Gangajal
Barka Bagicha, P.S. Sonepur, District- Saran.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Mukesh Kumar Singh, Ms. Preety Kunwar, Advocates
For the Opposite Party	:	Mr. Yogendra Kr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 06-02-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Section 376/34 of the Indian Penal Code and Sections 4 and 16 of the POCSO Act registered in connection with Sonepur P.S. Case No. 527 of 2018

3. It is submitted that the petitioner has been falsely implicated and there is considerable change in the versions narrated in the first information report and subsequently in the victim's deposition recorded under Section 164 of the Cr. P.C. It is submitted that the medical report does not corroborate the accusation of rape alleged against the petitioner. The first information report has been instituted in the backdrop of past dispute between the accused persons and the informant's father. Similarly situated co-accused Pawan Kumar Singh @ Pawan Kumar @ Pawan Singh has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 21.01.2019 passed in Cr. Misc. No. 68543 of 2018. The petitioner claims clean antecedents.



4. Learned APP opposes the anticipatory bail petition, submitting that as far as the petitioner is concerned, there is no material difference in two versions given in the first information report and the victim's deposition as there is direct allegation against the petitioner by the victim who is admittedly a minor of about 14 years of age. Co-accused Pawan Kumar Singh has been granted anticipatory bail, noticing that his name has been added only in the subsequent deposition and he has not been named in the FIR.

5. Having regard to the specific nature of accusations and gravity of offence alleged, this Court is not persuaded to take a similar view as in the case of co-accused Pawan Kumar Singh @ Pawan Kumar @ Pawan Singh. The anticipatory bail petition stands dismissed.

6. Having regard to the submissions of the petitioner, however, if he surrenders and seeks regular bail before the learned trial Court, the same shall be considered on its own merit in accordance with law and without being prejudiced by any observation in the present order.

BT/Chandran

(Vikash Jain, J)

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