

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5618 of 2019

Arising Out of PS. Case No.-153 Year-2019 Thana- ARWAL District- Jehanabad

Jitendra Singh @ Jitan Singh @ Jitan, aged about 38 years, Male, Son of Sagina Singh Resident of Village - Santawan Bigha, Police Station - Arwal, District - Arwal.

... .. Appellant

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Anil Kumar

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-12-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner in the present case is seeking setting aside the order dated 20.11.2019 passed in Arwal P.S. Case No. 153 of 2019 passed by learned Additional Sessions Judge – 1st, Jehanabad under Section 452, 354(A) of the Indian Penal Code, Section 8 of POCSO Act and Section 3(1)(r)(f) of SC/ST (Prevention of Atrocities) Act by which the bail application of the appellant has been rejected.

Learned counsel for the appellant submits that in this case the allegation is that while the daughter of the informant was alone in her house this appellant had entered in the house and tried to caught hold of her and put her down but she fled away. It is submitted that the First Information Report has been



lodged two days after the alleged occurrence and the reason behind lodgment of the First Information Report is that the appellant has got a Kirana Shop, the informant is his consumer and had purchased certain goods for which there were outstandings, since the appellant was demanding the outstanding, the present F.I.R. has been lodged with ulterior motive.

Learned counsel further submits that in this case no statement under Section 164 Cr.P.C. of the victim girl has been recorded. In the circumstances stated in the F.I.R. it is not even a case requiring medical examination and hence no medical examination has been made.

Learned Special P.P. for the State has although opposed the prayer for regular bail of the appellant, however it is submitted that in the facts of this case no medical examination was required.

Having heard learned counsel for the appellant and learned Special P.P. for the State and upon perusal consideration of the aforesaid statements, the nature of allegations and the submission that it is not a case in which statement of the victim girl has been recorded nor any medical examination was required, the appellant has remained in custody for over three



months, investigation against him is complete, charge-sheet has been filed, the impugned order in so far as it relates to the petitioner is set-aside, let the above-named appellant be released on bail furnishing bail on bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – 1, Jehanabad in connection with Arwal P.S. Case No. 153 of 2019, subject to the condition as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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