

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16666 of 2020**

Arising Out of PS. Case No.-176 Year-2015 Thana- DHARHARA District- Munger

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SHER SINGH Son of Chetram Singh Resident of Village - Barhbari Kala,
P.S.- Kashganj, District - Kashganj (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Advocate

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 04-09-2020 Heard learned counsel for the petitioner and Md.
Sufyan, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Dharhara (Hemjapur O.P.) P.S. Case No. 176/2015 (corresponding to Dharhara P.S. Case No. 176A/2015) registered for the offences punishable under Section 372, 373, 376 of the Indian Penal Code as well as Section 4 of POCSO Act.

Learned counsel for the petitioner submits that although the victim girls who were allegedly missing have been recovered. The recovery of one of the girls is from near the bus stand in the State of Uttar Pradesh. and that of another girl is from the house of one Ganga Saran @ Pappu. So far as this petitioner is concerned, his name has been allegedly told by one



Spy as would appear from paragraph 78 of the case diary. It is stated that the Spy told the Investigating Officer that Bablu Singh had sold one of the girls to this petitioner, however the said Bablu Singh against whom the victim girls have made statements of committing rape has not been interrogated by police. The victim girls have made contradictory statements and they have taken name of two women who had sold one of them to the co-accused Ganga Saran @ Pappu.

Learned counsel therefore submits that there is no material against this petitioner and till date they have not been identified by any of the two girls. In paragraph '3' it is stated that the petitioner has no criminal antecedent.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but has at the same time submitted that there are contradictions in the statement of the victim girls, and so far as this petitioner is concerned, he has not been named or identified by any of the girls.

Having regard to the facts and circumstances of the case wherein in course of investigation no material has been brought against this petitioner except the statement of the Spy and that the petitioner is in jail for the last nine months, investigation against him is complete, let the petitioner above-



named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge (POCSO Act) – Cum – A.D.J. -1, Munger, in connection with Dharhara (Hemjapur O.P.) P.S. Case No. 176/2015 (corresponding to Dharhara P.S. Case No. 176A/2015), 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.

And further condition that they will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities



concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

Since the petitioner is from the State of Uttar Pradesh, in order to secure his appearance this Court thinks it just and proper to impose a condition that the bailors of the petitioner must be a resident of State of Bihar having sufficient immovable property in the State.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

