

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.1408 of 2020**

Arising Out of PS. Case No.-44 Year-2019 Thana- RAUTA District- Purnia

HUKUM SINGH @ HUKAM SINGH Son of Girvar Singh @ Girvar
Resident of Village-Jaidaspur (Jaydatpur), P.S.-Rajpura, District-Sambhal,
Uttar Pradesh.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s : Mr.Pawan Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 28-09-2020 Heard learned counsel for the appellant and Mr.
Sadanand Paswan, learned Special P.P. for the State.

This appeal has been filed against the order dated 11.05.2020 passed by the learned 1st Additional Sessions Judge – cum – Special Judge (SC/ST Act), Purnea for grant of regular bail to the appellant who has been made accused in connection with Special (SC/ST) Case No. 87 of 2020/ CIS No. 87/2020 arising out of Rauta P.S. Case No. 44/2019 for the alleged offence under Sections 366, 368, 370(A)(2), 376, 379, 34 of the Indian Penal Code and added Section 3(i)(w)(i), 3(2)(va) SC/ST Act.

Appellant is in judicial custody since 30.05.2019.

Learned counsel for the appellant submits that as per the allegations made in the First Information Report lodged on



01.05.2019, about eight months ago when the mother of the victim (informant) had gone to Babadham and her father was also not there in the house, as she was alone the co-villager Saheb Lal Harijan along with his brother Ritlal Harijan came to the house of the informant and made her to consume some eatables whereupon she became unconscious, thereafter the informant was taken away from her house and they called co-accused Jagdish Singh and his brother who is this appellant and all these accused persons in conspiracy with each other allured the informant and against the wishes of her parents sent her with this appellant. It is further alleged that this appellant has made physical relationship with her despite protest of the informant, she was being threatened and she became pregnant. It is then alleged that her father came in search of her and took her back to her village.

Learned counsel submits that in course of investigation it has come that the informant is a widow and she had married with this appellant who is a widower. She had gone to the village of the appellant and was residing there, on her request the appellant talked to the 'Bahnoi' of the informant who was at Lucknow and then as desired by her she went to stay with 'Bahnoi' to Lucknow from where she returned with jewelry



and cash. Learned counsel has referred the statement made by the informant under Section 164 Cr.P.C. and has submitted that there is a sharp contradiction in the statement of the informant in the First Information Report where she has stated that her father had come and took her to the village and the statement made under Section 164 Cr.P.C. where she has stated that she had gone to Lucknow where her Bahnoi is staying. Learned counsel submits that the medical examination report of the victim girl does not suggest any internal or external injury on her body.

It is further submitted that the co-accused against whom there were allegations that they had sent the victim girl with this appellant have been granted anticipatory bail by a learned coordinate Bench of this Court in Cr. Misc. No. 52596/2019 and Cr. Appeal (SJ) No. 5809/2019. It is thus the submission of learned counsel for the appellant that this case has been concocted with an afterthought as it is not normal conduct of any person that if the informant was sent with the appellant against the wishes of her parents then why no information in this respect was given to the police station for about eight months and no F.I.R. in this connection was lodged by the parents of the informant.



Mr. Sadanand Paswan, learned Special Public Prosecutor for the State has opposed the prayer for regular bail of the appellant, however on the query raised by this Court pointing out the kind of allegations vis-a-vis submissions of the appellant, he is unable to satisfy this Court with the coherence of the allegations.

Having regard to the facts and circumstances of the case, taking not of the materials pointed out hereinabove on behalf of the appellant and the fact that the appellant is in jail for one year three months by now, the trial is not likely to be concluded in near future and there is no submission that release of the appellant at this stage is in any way likely to interfere with the course of trial, this Court sets aside the impugned order and the appellant above named be released on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge – cum – Special Judge (SC/ST Act), Purnea, in connection with Special (SC/ST) Case No. 87/2020 arising out of Rauta P.S. Case No. 44/2019 subject to the conditions as laid down under Section 437(3) of the 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, or 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 he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

Rajeev/Arvind

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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'.

