

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24363 of 2020

Arising Out of PS. Case No.-39 Year-2020 Thana- RASULPUR District- Saran

1. AJAY SINGH @ AJAY KUMAR SINGH @ UPENDRA SINGH Son of Chandrashekhar Singh Resident of Village - Atarsan, P.S. - Rasulpur, District - Saran at Chapra.
2. Dilip Kumar Singh @ Dilkhush Singh Son of Chandrashekhar Singh Resident of Village - Atarsan, P.S. - Rasulpur, District - Saran at Chapra.
3. Chandrashekhar Singh Son of Late Mogal Singh Resident of Village - Atarsan, P.S. - Rasulpur, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sourendra Pandey
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-10-2020 Heard Mr. Sourendra Pandey, learned counsel for the petitioners and Mr. Nawal Kishore Prasad, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend arrest in connection with Rasulpur P.S. Case No. 39 of 2020 registered for the offence punishable under Section 341 / 323 / 504 / 354 / 307 / 34 of the I.P.C. and Section 376 of the I.P.C. added later on.

The allegation against the petitioners as per the First Information Report lodged by one Nagendra Kumar Singh is that on 26.04.2020 his daughter had gone to the Customer Service Centre for updating of her saving account pass book where the accused persons surrounded her and the petitioners armed with Lathi, Danda and rod assaulted the daughter of the informant. It has further been alleged that Rohan Kumar Singh @ Chhotu Singh tried to outrage the modesty of the daughter of



the informant. Section 376 of the I.P.C. was added later on 13.05.2020.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case due to dispute pertaining to drainage. Learned counsel further submits that both the parties are closely related and petitioner nos. 1 and 2 are cousin of the victim girl and the petitioner no. 3 is the uncle of the victim girl. Learned counsel further submits that the statement of the victim girl was subsequently recorded before the Women Cell on 29.04.2020 in which she has stated that the petitioners along with Rohan Kumar Singh @ Chhotu Singh had committed rape upon her, but subsequently on 13.05.2020 the victim girl retracted from her earlier statement and in her statement recorded under Section 164 of the Cr.P.C., she has stated that Rohan Kumar Singh @ Chhotu Singh had committed rape upon her and did not disclose the name of these petitioners. Learned counsel further submits that the first version as recorded in the F.I.R. also does not say anything against these petitioners having committed rape upon the victim girl. Learned counsel referring to Annexure- 2 submits that both the parties have amicably settled their differences and the Lower Court on the basis of the same has granted regular bail to the co-accused



Rohan Kumar Singh @ Chhotu Singh. Learned counsel further submits that injuries caused to the victim have been found to be simple in nature.

Having heard learned counsel for the parties and taking into consideration the materials available on record, the fact that no specific allegation of rape is there against these petitioners and the injuries are simple in nature, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. XI, Saran / court concerned in connection with Rasulpur P.S. Case No. 39 of 2020, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

praful/-

(Anil Kumar Sinha, J)

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