

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70105 of 2019**

Arising Out of PS. Case No.-38 Year-2019 Thana- SINGHIYA District- Samastipur

Rajbardhan Singh @ Monu Singh S/o Manoj Kumar Singh R/o village-
Hardiya, P.S.- Singhia, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha

For the Opposite Party/s : Mr.Ramchandra Sahn

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

4 18-06-2020 The matter has been taken up through virtual court proceeding.

The petitioner who is languishing in custody since 08.04.2019 has preferred the present application for grant of bail in connection with Singhia P.S.Case No.38 of 2019 for the offence punishable under Sections 120(B), 201, 302, 376A and 376D of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Assault Act, 2012.

Heard learned counsel for the petitioner and the State.

The prosecution case as per the written report of Saroj Sahu submitted to the SHO Singhia police station is to the effect that on 05.04.2019 at 9 A.M., co-accused Rishikesh Kumar Singh, Roshan Kumar Singh and petitioner Rajbardhan Singh @ Monu Singh on pistol point took the informant to bamboo



clump and all the accused persons including the petitioner ravished her and thereafter killed by throttling and causing burn injury.

It is submitted by learned counsel for the petitioner that from the FIR, it appears that the informant is not the eye witness of the occurrence and for the alleged occurrence of 05.04.2019, the written report was submitted on 06.04.2019, i.e., after 24 hours of the occurrence after when the dead body was recovered. The informant claimed that his wife Rinku Devi and mother Urmila Devi have seen the alleged occurrence. Statement of Urmila Devi has been recorded in paragraph-12 of the case diary and statement of Rinku Devi has been recorded in paragraph-23 of the case diary and from the same, it appears that none of them had seen the alleged occurrence. It is only when smoke started coming out next day from the bamboo clump then they claim to have found the victim. Though these witnesses claim to have seen the petitioner and other accused persons roaming around the place of occurrence, the day the victim went missing. Hence, on the basis of suspicion, accusation has been levelled against the petitioner and other co-accused. During postmortem examination of the victim, no spermatozoa was found on the body of the victim and cause of



death has been ascertained caused by asphyxia caused by burn injuries. Investigation has already been concluded. Statement has been made in paragraph-3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the State submits that the accusation is specific in the FIR against the petitioner and he is named in the FIR.

Considering the fact that the occurrence took place during day time, the informant has claimed that his wife and mother saw the alleged occurrence, though their statement recorded in the case diary do not support the statement of the informant, investigation has already been concluded coupled with the fact that petitioner is not having any antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional District & Sessions Judge-I, Samastipur in connection with Singhia P.S.Case No.38 of 2019.

However, in view of present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor



of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I, Samastipur in Singhia P.S.Case No.38 of 2019.

The learned Court below will be at liberty to extend the further period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

B.Kr./-

U		T	
---	--	---	--

