

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25739 of 2021

Arising Out of PS. Case No.-150 Year-2020 Thana- KADWA District- Katihar

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1. Navin Singh @ Navin Kumar S/O- Sudhir Singh R/o - Sagrath, P.S. - Kadwa, Distt. - Katihar.
 2. Sravan Singh @ Sravan Rishi @ Sravan Kr. Rishi S/o- Shambhu Rishi R/o - Sagrath, P.S. - Kadwa, Distt. - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-11-2021 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with Kadwa P.S. Case No. 150 of 2020 instituted for the offences under Sections 341, 342, 323, 307, 376, 504, 506 and 34 of the Indian Penal Code read with Sections 4 and 17 of the POCSO Act.

Learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the informant alleged that on 29.07.2020 when her father was not at home and she was sleeping in her room with her two younger brothers and her mother was sleeping in



another room, at about 11.30 pm she heard someone calling her father and when she came out, she saw four F.I.R. named accused persons standing in the *verandah* and thereafter Suman Kumar Singh tied her mouth and took her to Kamla River where a tempo was standing and all the accused persons misbehaved with her and Suman Kumar Singh committed rape while Navin Singh threatened her on point of knife.

Learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the informant has not alleged against the petitioners that they committed rape. Further, he submits that in her statement under Section 164 Cr.P.C., the informant has specifically alleged against Suman Kumar Singh who raped her further it is also submitted that during the course of investigation it has come that the informant and Suman Kumar Singh were in love and were found in objectionable condition which was protested by the villagers, thereafter the present case came to be implicated.

Learned counsel for the petitioner submits that the falsity of the allegation would also manifest on the fact that it has been alleged in the F.I.R that four persons came and took her away when her mother and brothers were inside the house



but non raised any alarm, nor they tried to save the informant, nor they heard anyone calling the father of the informant based on which she had gone outside the house.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioners.

Considering the fact that the petitioners are in custody since 02.08.2020, charge-sheet has been submitted in the case, the petitioners are persons with clean antecedent and the informant has not alleged anything against them regarding rape, let the petitioners above named be released on bail on furnishing of bail bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Katihar in connection with Kadwa P.S. Case No. 150 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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