

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37251 of 2021

Arising Out of PS. Case No.-14 Year-2020 Thana- SASARAM RAIL P.S. District- Gaya

BIRENDRA PRAKASH SINGH @ VIRENDRA PRAKASH SINGH S/o
Late Birendra Bikram Singh @ Virendra Singh R/o Mohalla- Jehanabad
Kudra Chaita, P.S.- Kudra, District- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-08-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Rail PS Sasaram (Bhabua
Road) P.S. Case No. 14 of 2020 registered for the offence
punishable under Section 376(D) of the Indian Penal Code and
section 67(A) of the IT Act.

Earlier the bail application of petitioner was rejected
vide order dated 23.11.2020.

It is submitted on behalf of petitioner that allegation
of committing rape is against co-accused Deepak Singh and
petitioner is only alleged to have prepared the video clipping of



the occurrence. The police has not submitted chargesheet under Section 67A of the IT Act. It is further submitted that trial has not yet begun. Petitioner is in custody since 22.01.2020 having clean antecedent.

Considering the period of custody and progress of trial, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Railway Judicial Magistrate, Gaya in connection with Rail PS Sasaram (Bhabua Road) P.S. Case No. 14 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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