

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37414 of 2020

Arising Out of PS. Case No.-757 Year-2019 Thana- BANKA District- Banka

=====

Kripal Singh, aged about 50 years, Male, Son Late Ruplal Singh, Resident of
Village- Kashinagar Colony, P.S.- Chimrao, District- KannoJ (U.P)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate

For the State : Mr.Mde. Mushtaque Alam, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-03-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with G.R.
No.141 of 2019 arising out of Banka (Barahat) P.S. Case No.
757 of 2019 registered for the offence punishable under Section
366(A)/34 of the Indian Penal Code and Section 8 of the
POCSO Act.

The prosecution case, as per the written report of
Naresh Das to the SHO, Barahat Police Station is to the effect
that the daughter of the informant (changed name as X) aged
about 13 yers and her friend (changed name as Y), aged about
14 years, went member of victim girl Y that the bicycle of the
girl Y is lying at Rajaun. Subsequently, when her family
members went there and brought the bicycle of Y. During



search, the informant came to know that co-accused Piyush Kumar and Kundan Tanti abducted both the victim girls X and Y. Name of the petitioner sprang up during investigation when the petitioner confessed his guilt.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the F.I.R. In the statements under Section 164 of the Cr.P.C., both the victim girls have named only one person, i.e. co-accused Amit and they have not named the petitioner. Moreover, the victim girl X not only has named her other friends in whose company she went but she has also narrated a different version than recorded in the written report. The statement has been made in paragraph-3 of the petition that the petitioner is not having any criminal antecedent. It is further submitted that till date, the petitioner has not been put on Test Identification Parade and the investigation has already been concluded. For the alleged occurrence of 16.10.2019, the F.I.R. was registered on 22.10.2019.

Learned counsel for the petitioner submits that on the basis of confessional statement of the co-accused, the petitioner has been made accused in the present case. Learned counsel for the petitioner further submits that similarly situated co-accused Anand Kumar Sharma has been granted bail by this Co-ordinate



Bench of this Court vide order dated 18.06.2020 passed in Cr. Misc. No.12658 of 2020. He further submits that the petitioner is in jail custody since 19.11.2019.

Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail after framing of charge on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Banka in connection with G.R. No.141 of 2019 arising out of Banka (Barahat) P.S. Case No. 757 of 2019, subject to the following conditions :

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the



investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

Nasimul/-

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

