

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38863 of 2020**

Arising Out of PS. Case No.-177 Year-2019 Thana- SINGHIYA District- Samastipur

BHIKHO SADA @ BHOGO SADA S/o Late Budhan Sada R/o Village-
Usarighat, P.S.- Kusheshwar Asthan, District- Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 14-07-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Mukesh Kumar Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Singhia P.S. Case No. 177 of 2019 registered for the offences punishable under Section 366 (A), 376(D)/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that for the first time the name of this petitioner has transpired in 164 Cr.P.C. Statement of the victim lady only because this petitioner happens to be the close relative of the main accused Amarjeet Sada.

Learned counsel further submits that the victim lady was married to somebody else against her will, she was in love affair with



the co-accused Amarjeet Sada and they had fled away and solemnized marriage on 12.11.2019 at Radhe Krishna Mandir, Frazer Road Patna. They have sworn a joint affidavit on 13.11.2019 and the same has been brought in course of investigation.

Learned counsel further submits that the present FIR has been lodged on 3.12.2019 whereas the daughter of the informant had left her house with her son aged about two years on the pretext of going to a doctor on 4.11.2019. The delay of one month in not lodging the FIR speaks for itself.

Learned counsel further submits that in course of investigation it has come that there was a love affair between the victim lady and Amarjeet Sada and she had fled away with him.

Mr. Mukesh Kumar Singh, learned APP for the State has gone through the case diary and submits that although there is an allegation of commission of rape by Amarjeet Sada, Rambharos Sada, Bhogo Sada and Ranjit Sada but the allegation does not inspire confidence from the face of the statement of the independent witnesses recorded in paragraph 102 and 103 of the case diary wherein the independent witnesses have stated about the love affair between the victim lady and co accused Amarjeet Sada and that the victim lady had fled away with him on her own volition.

Considering the facts and circumstances of the case, the nature of allegations is though serious but there is a delay of one month in lodging of the FIR and enough materials have come in



course of investigation suggesting that the victim lady and co-accused Amarjeet Sada had love affair and she had left her house and gone with him on her own will, the victim lady is also major in age, the name of this petitioner has been allegedly brought because he happens to be a close relative of the co-accused Amarjeet Sada, he has otherwise no criminal antecedent and has remained in jail in connection with this case since 11.7.2020, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Rosera, District-Samastipur in connection with Singhia P.S. Case No. 177 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is



found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SONALI/-

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

