

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.153 of 2021**

Arising Out of PS. Case No.-28 Year-2020 Thana- MAHILA P.S. District- Sitamarhi

CHANDRA BHUSHAN SINGH S/O KAILASH SINGH RESIDENT OF
VILLAGE-CHAINPURA, WARD NO.9, P.S.-RIGA, DISTRICT-
SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Thakur, Adv.

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, 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 as pointed out by office within four weeks after start of normal functioning of the Court.

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

Petitioner in the present case is seeking regular bail in connection with Mahila P.S. Case No.28/2020 registered for the offences punishable under Section 376 of the Indian Penal Code and Section 4/8 of the POCSO Act.

Learned counsel for the petitioner submits that as per the prosecution story the victim girl claims her age around 15 years and she was taken to the shop of the petitioner on 19.06.2020 at 8.00 pm by a co-villager lady, thereafter the petitioner closed the door of the room in which she was pushed and then he committed rape on her. It is alleged that thereafter the parents of the victim girl and the co-



villagers arranged a panchayati and then the victim girl and the petitioner were married with each other. As per the allegation, she was thrown out by this petitioner on 02.09.2020 whereafter she reached her parents' place.

Learned counsel for the petitioner submits that the allegation of commission of rape is only a concocted story. In course of investigation it has come that the petitioner and the victim girl whose age has been found around 18 years by the medical board were in love with each other and the marriage of the petitioner and the victim girl was arranged by the panchayat after finding that the victim girl had gone on her own volition with the petitioner.

Learned counsel further submits that the medical examination report says that the age of the victim is around 18 years and it is difficult to say that rape has occurred or not. It is his submission that as per her own statement the victim girl stayed with this petitioner after marriage for more than two months. Learned counsel submits that in a case of love affair, after the marriage because of some matrimonial dispute the present case has been lodged.

Learned APP for the State has gone through the case diary and informs this Court that in paragraph '11' and '12' of the case diary the witnesses have stated that there was a love affair between the petitioner and the victim girl and then the marriage was arranged between two but thereafter some dispute seems to have taken place.



The witnesses have stated that the allegation against the co-villager lady saying that she had brought the victim girl to the shop of the petitioner is false and has been made accused because of prior enmity.

Considering the fact and circumstances of the case, the nature of the allegation, the fact that the alleged occurrence is said to have taken place on 19.06.2020, the present FIR has been lodged on 14.09.2020 and in between the period the parties have solemnized the marriage and lived together, the victim girl is around 18 years of age, in the nature of the materials placed before this Court, the petitioner is in jail in connection with this case since 15.09.2020, investigation against him is complete but the trial is not likely to take place in near future, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi in connection with Mahila P.S. Case No.28/2020, subject to the condition 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 he is suspected, and

(c) that such person shall not directly or indirectly make any 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.

(Rajeev Ranjan Prasad, J)

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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'.

