

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8953 of 2021

Arising Out of PS. Case No.-39 Year-2015 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

Suman Kumar @ Suman Singh aged about 30 years, (Male) son of Dinesh Singh, Resident of village- Sheerpur Azad Tola, Police Station- Naugachia District-Bhagalpur

... .. Petitioner

Versus

1. The State of Bihar
2. Rani Devi aged about years female, wife of Amol Singh Resident of village- Sheerpur Azad Tola, Police Station- Naugachia District-Bhagalpur

... .. Opp Party

Appearance :

For the Petitioner : Mr. Amrendra Kumar Advocate
For the State : Mr. Mukeshwar Dayal APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 06-07-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2. Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

3. Yesterday, the matter had been passed over as details of the court where the case is pending was not typed in the prayer portion of the bail petition. Learned counsel stated that due to an inadvertent typographical error, the mistake has occurred. Matter was, therefore, passed over on submission of the petitioner's counsel that he would be placing on record the details of the case and court where it is pending after serving a



copy on learned APP. He has forwarded a typed details with regard to the said fact.

4. Today's Court's proceedings are being conducted through virtual mode on account of resurgence of Covid-19 infection related restrictions. The details, copy of which has also been sent to the learned APP through virtual mode, is being accepted for being placed on record.

5. Heard learned counsel for the petitioner and learned counsel for the State.

6. The petitioner seeks bail in Complaint Case No 39 of 2015, instituted for the offence under Section 354 of the Indian Penal Code and Section 8 of the POCSO Act.

7. There is an allegation regarding commission of rape.

8. It has been pointed out by the petitioner's counsel that the specific allegation of rape has been alleged against Gurudeo Poddar. The complainant has alleged that the petitioner and other co-accused Mithun Singh were catching hold of the minor victim while the rape was being committed. Considering the fact that co-accused Gurudeo Poddar is an old man and is a retired Government employee, the Court below has granted bail to the co-accused Gurudeo Poddar on the premise that his implication is false and based on land dispute as the parties are next -door neighbours.

9. Submission is that the petitioner's case stands on a better footing than that of co-accused Gurudeo Poddar. The petitioner is a man of clean antecedents and his implication is based on extraneous consideration. *Bona fide* of the petitioner is obvious from the fact that he has voluntarily surrendered before the Court below on 09.12.2020 and since then he is in jail.

10. Learned APP for the State has opposed the prayer for



bail.

11. Considering the rival submissions, let the petitioner, above named, be released 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 Special Judge (POCSO)-cum- Additional District and Sessions Judge-7th, Bhagalpur**, in connection with **Complaint case no. 39 of 2015**, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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