

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14155 of 2021

Arising Out of PS. Case No.-371 Year-2019 Thana- MADHEPURA District- Madhepura

PANKAJ KUMAR SINGH Son of Yogendra Prasad Singh Resident of
Village- Laxminia, P.S.- Gamaharia, District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma, Adv

For the Opposite Party/s : Mr.Narsingh Tanti, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 10-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
S.Tr.No.43 of 2020 arising out of Madhepura P.S.Case No.371
of 2019, registered for the offence under Sections
302,201,376,120(B) of the Indian Penal Code and Section 4 of
the POCSO Act.

From the records, it appears that before lodging the
complaint case, a UD case was filed by the father of the victim
girl in which he has stated that his daughter had gone to the
house of the present petitioner in connection with looking after
his wife who was operated upon. It has been stated in the UD
application that she had given a call that she wanted to return to
her house. The wife and the husband were not in the house and



assured that they will go to her in one or two days. On the next day, it was informed by the present petitioner that the victim girl has committed suicide but, later on, a complaint case has been filed by the mother of the girl in which details has been given making an allegation of committing murder of a minor girl including ravaging her modesty.

Earlier the prayer for bail of the petitioner was rejected vide order dated 27.05.2020 with an observation that *“the prayer for bail of the petitioner, above named, is rejected for the present”*.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He further submits that in pursuant to the complaint petition filed by the complainant, the present FIR has been instituted. He further submits that the police, after investigation, submitted chargesheet against the petitioner only under Section 302 and 201 of the Indian Penal Code. He further submits that during investigation there is no material to give an inference of commission of rape against the petitioner and as per report of the learned Trial Court reveals that the case is still running for prosecution evidence. Learned counsel for the petitioner submits that it appears from the report that there is no chance of early conclusion of the trial in near



future and the petitioner is in custody since 24.07.2019.

Learned counsel for the informant as well as learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st, Madhepura in connection with S.Tr.No.43 of 2020 arising out of Madhepura P.S.Case No.371 of 2019 with the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

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.

(Rajesh Kumar Verma, J)

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