

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14520 of 2022

Arising Out of PS. Case No.-19 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

1. NAND KISHORE SINGH @ FAGU SINGH Son of Late Shyamjee Singh Residen tof village- Paharpur, Manorath @ Paharpur Barar, P.S. - Sahebganj, Dist.- Muzaffarpur.
2. Nagendra Singh S/o Satnarayan Singh Residen tof village- Paharpur, Manorath @ Paharpur Barar, P.S. - Sahebganj, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-09-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 201, 376 and 34 of the Indian Penal Code and Section 4 and 8 of POCSO Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 03.01.2021, informant's daughter informed him about her minor sister being raped and then set on fire, it is next alleged that informant's daughter said that on 05.12.2020 at 11.45 PM, the deceased was called by Gulshan and Chanchal



and was raped and further threatened the deceased that if she does not continue the physical relationship her nude photos will be made viral and further threatened that if she discloses this to anyone both the accused would kill her, it is next alleged that four accused demanded the elder sister also to establish physical relation with them like the victim or will make the nude pictures of the victim viral, it is next alleged that on 03.01.2021, the accused persons came to the informant's house and committed rape upon his younger daughter i.e., victim and killed her. Meanwhile, the second daughter reached the place of occurrence and she found the door locked from inside and then all the aforesaid four accused came out of the room and threatened the second daughter of the informant not to disclose the incident to anybody else, she would also meet the same fate. It is next alleged that apart from aforesaid four persons, about 10-12 persons assisted the accused persons in disposing of the dead body of the victim.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that petitioners are not named in the FIR and their name came during the course of investigation in the confessional statement of co-accused Alok Kumar who has



stated that petitioners helped in the disposing of the dead body of the deceased, it is next submitted that as a matter of fact Gulshan Kumar was having an affair with the deceased and after establishing physical relationship with her, he took nude snaps from his mobile phone and transmitted on the phone of Chanchal Kumar through Bluetooth and the said photographs of the victim was made viral by Chanchal Kumar and Abhinay Kumar, it is next submitted that on account of the said fact the victim committed suicide by burning herself.

Learned counsel for the petitioners submits that similarly situated co-accused Jay Narayan Singh has been granted anticipatory bail by order dated 21.02.2022 in Cr. Misc. No. 69492 of 2021, wherein his name was disclosed by the second daughter of the informant stating that he was involved in disposing of the dead body of his sister. The learned counsel for the petitioners thus submits that case of the petitioners stands on a better footing, as his name transpired in the confessional statement of co-accused and not in the statement of the family members of the deceased.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned



counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sahebganj P.S. Case No. 19 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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