

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25574 of 2021

Arising Out of PS. Case No.-113 Year-2020 Thana- MAHILA PS District- Buxar

ABHISHEK SINGH @ SIPPU SINGH @ SIPPU Son of Sri Binod Singh
Resident of Village and Mohalla - Ward No. 3, Mahabir Nagar Colony, Near -
I.T.I. Field, Police Station - Buxar, District - Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shree Kant Pandey
For the Opposite Party/s : Mr.A.G.
For the informant : Mr. Rajeev Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-02-2022 Due to the third wave of COVID-19 Pandemic, the
matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For
Orders” under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and the State
through virtual mode.

The petitioner is apprehending his arrest in Buxar
Mahila P.S. Case No. 113 of 2020 registered under Sections 341,
323, 504, 354(B), 354(D), 506, 379, 376 of the Indian Penal
Code.



Allegedly, the petitioner passed indecent comments against the informant and pulled her sari on road and on protest, she was assaulted. It is further alleged that prior to one year on the occasion of Dussehera, on the gunpoint, the petitioner had committed rape upon the informant in her house.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. As per the FIR, the allegation of commission of rape is one year prior to institution of the present case. Such act on the part of the informant itself creates doubt regarding the commission of rape upon the victim. There is no medical examination report in support of the allegation made in the FIR.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the



present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Sub Divisional Judicial Magistrate, Buxar in connection with Buxar Mahila P.S. Case No. 113 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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