

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32668 of 2021**

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

HIRDEV SINGH @ HARDEV SINGH S/O LAL BAHADUR SINGH R/o
village- Paharpur Manorath, P.S.- Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Adv.
For the Opposite Party/s : Mr. Damodar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 21-02-2022 Heard Mr. Yashraj Bardhan, learned counsel for the

petitioner and Mr. Damodar Tiwary, Additional Public

Prosecutor for the State.

Petitioner seeks regular bail in connection with
Sahebganj PS Case No. 19/2021 registered for the offence
punishable under Sections 302, 201/34, 376 IPC read with
Section 04, 08 of the POCSO Act.

As per First Information Report, the informant was
told by his second daughter that on 05.12.2020 at about 11:45
P.M., Gulshan Kumar and Chanchal Kumar committed rape
upon his younger daughter by calling her to their Dalan and they
also took nude snaps of the victim (younger daughter of the
informant). It is further alleged that on the basis of nude pictures
of the younger daughter of the informant, the accused persons
started pressurizing/blackmailing the second daughter of the
informant and wanted to establish sexual relationship with her



also. It is also alleged that on 03.01.2021, the accused persons, namely, Gulshan Kumar, Chanchal Kumar, Abhinay Kumar and Raja Kumar came to the informant's house and committed rape upon his younger daughter i.e., victim and killed her. Meanwhile, the second daughter reached to the place of occurrence and she found the door locked from inside and then all the aforesaid four persons came out of that 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 the dead body of the victim.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR. He further submits that the fact of the matter is that co-accused, Gulshan Kumar was having love affair with the deceased and after establishing physical relationship with her, he took nude snaps of the deceased from his mobile phone which was transmitted to phone of co-accused Chanchal Kumar through Blue Tooth and the said photograph of the victim was made viral by Chanchal Kumar and Abhinay Kumar. He further submits that due to the fact that nude pictures of the victim girl was made viral, she committed



suicide by burning herself. It is further submitted that the petitioner along with other accused persons with the help of villagers disposed the dead body by burying the same near the bank of river *Gandak*.

Learned counsel further submits that the statement of co-accused Gulshan Kumar has been recorded in para-23 of the case diary. He further submits that the name of the petitioner has not been disclosed in the FIR, however, first time, name of the petitioner came during course of investigation by the police in which second daughter of the informant stated that the petitioner and others were involved in the disposal of the dead body of the deceased. According to the learned counsel for the petitioner, on the basis of the statement made by the elder daughter of the informant, at best, the offence under Section 201 IPC will be attracted against the petitioner. The petitioner has been made accused only because he happens to be the father of the FIR named accused, Raja Kumar and there is no allegation of rape against the petitioner. Petitioner having no criminal antecedent is in custody since 16.01.2021 and the charge-sheet has already been submitted. There is no likelihood that the petitioner will abscond or will tamper with the evidences, if he is granted bail.

Regards being had to the submissions made by the



parties and taking into consideration the material on record and the fact that there is no allegation against the petitioner that he was instrumental in committing rape and killing of the younger daughter of the informant, he is not named in the FIR and the only allegation which came during course of investigation is that he was also involved in the disposal of the dead body subsequent to the incident along with a large number of villagers, he, having no criminal antecedent, is in custody since 16.01.2021, the charge-sheet has already been submitted, there is no likelihood that the petitioner will abscond or will tamper with the evidences, if he is granted bail, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, HIRDEV SINGH @ HARDEV SINGH be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-Special Judge, POCSO, Muzaffarpur in connection with Sahebganj PS Case No. 19/2021.

(Anil Kumar Sinha, J)

perwez

U		T	
---	--	---	--

