

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36329 of 2021

Arising Out of PS. Case No.-261 Year-2020 Thana- TARAIYA District- Saran

AJIT KUMAR SINGH S/O SHIV SHANKAR SINGH R/o village- Dumari
Chapiya, P.S.- Taraiya, District- Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Rajesh Kumar Singh, Adv

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-02-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Taraiya
P.S.Case No.261 of 2020 registered for the offence under
Sections 376(D) of the Indian Penal Code and Section 67 of I.T.
Act.

As per the prosecution story, when the victim lady
was returning after purchasing medicine on 17.07.2020 at about
5:30 P.M. from Taraiya market, as soon as she reached near
Baital Baba Peepal tree, two motorcycle borne persons sitting
two persons on each reached there and all the four persons came
in front of her and after putting a Gamcha (a piece of cloth) on
her mouth they took her to a lonely place where the informant
identified the four named accused persons and at this stage, in



the F.I.R. she mentions about four unknown persons of village Chhapiya Dih. As per allegation they committed rape on her one by one and one of them was making video of the occurrence and made the said video viral on the Whatsapp and Facebook.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case only on the basis of suspicion. He further submits that as per 164 Cr.P.C. statement of the victim girl, she has not disclosed the name of the accused persons as mentioned in the FIR. He further submits that the medical report of the victim girl estimated her age more than 19 years and the Doctor opined that there is no sign of recent sexual intercourse. He further submits that co-accused, namely, Rupesh Kumar Singh has been granted bail vide order dated 27.08.2021 in Cr. Misc. No.13033 of 2021 by a Coordinate Bench of this Hon'ble Court and the petitioner is in custody since 16.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts and period of custody, 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 learned Additional Chief Judicial Magistrate-I, Saran at Chapra in connection with Taraiya P.S.Case No.261 of 2020 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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