

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39776 of 2021

Arising Out of PS. Case No.-48 Year-2016 Thana- AMARPUR District- Banka

Kanhaiya Singh S/O Late Dilip Singh @ Dallo Singh Resident Of Village-
Kushmaha, P.S.- Amarpur, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

9 01-08-2022 Heard Mr. Sunil Kumar, learned counsel appearing
on behalf of the petitioner and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Amarpur P.S.Case No. 48 of 2016 for the offences
punishable under Section 302, 376, 201/34 of the Indian Penal
Code and section 4 of the POCSO Act.

As per the prosecution case, it is alleged that on
13.02.2016 at about 5.30 pm, the deceased had gone to bring
some house hold articles but she did not return and when search
being made, one of the co-villagers in the next morning
informed the informant that a dead body of the girl was lying
near a pond. The informant recognized the dead body of her
daughter and suspected the hands of Barun Sangahi in



commission of crime.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the FIR but during the course of investigation, apprehended co-accused Barun Sangahi has disclosed the name of the petitioner including Rahul Kumar Singh and GodaYadav, who have been granted bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 6090 of 2017 vide order dated 21.03.2017 and in Cr. Misc. No. 32410 of 2017 vide order dated 17.08.2017. It is further submitted that there is no eye witnesses to the alleged occurrence and save and except the confessional statement, there is no other material against the petitioner.

On the other hand, learned counsel for the State submits that the name of the petitioner has been disclosed by co-accused Barun Sangahi and the petitioner is actively participated in the commission of crime.

Having regard to this submissions made on behalf of the parties and considering the fact that co-accused persons whose name was also transpired have been granted bail by the learned co-ordinate Bench of this Court and the petitioner is in custody since 05.04.2021, having fair antecedent. Apart from that the investigation of the crime is already completed and



charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, IV -Cum- Special Judge (POCSO) Banka in connection with Amarpur P.S.Case No. 48 of 2016 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J.)

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