

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40184 of 2021**

Arising Out of PS. Case No.-1 Year-2020 Thana- HARINMAR District- Munger

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JOGI SINGH Son of Late Ram Swaroop Singh Resident of Village -
Athsathaiya, P.S.- Harinmar, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Harinmar P.S. Case No. 01 of 2020 instituted for the offences
under Sections 147, 148, 323, 366(A), 307, 376, 376(D), 385/34
of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner at the out set
submits that the present FIR arises out of a complaint case.
Learned counsel further submits that the petitioner is in custody
since 27.12.2020, is a person with clean antecedent and charge-
sheet has been submitted.

The informant/complainant alleges that her minor
daughter, aged about 12 years, accompanied another minor,



aged about 15 years, on 04.01.2020. Thereafter, the wives of Jogi Singh, Birbal Singh and Sahdev Singh tied his daughter. Further, Bari Singh, Kashmir Kumar and Birbal Singh committed rape with the daughter of the informant/complainant. Thereafter, the informant/complainant called his daughter but her phone was switched off, hence, Rajesh Singh who called his daughter on her mobile and heard her crying and also heard the sound of boat. Thereafter, the informant along with other reached the place of occurrence when the petitioner along with four other named accused persons fled away threatening them as they were variously armed. Thereafter, the victim was recovered.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that as far as allegation of rape is concerned, the same is not against the present petitioner. Learned counsel further submits that the age of the victim was assessed by the Doctor in between 16-17 years. Learned counsel further draws the attention of the Court to the medical report to show that the victim has refused medical examination. Learned counsel, thus, submits that initially a complaint was filed in order to delay the investigation regarding rape. It is further submitted that had an



FIR been instituted the victim would have been sent to the Doctor immediately for confirmation of the occurrence. Learned counsel submits that since the victim has refused her medical examination that in itself weaken the case of the prosecution, coupled with the fact that a complaint was filed.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VI-cum-Exclusive Special (POCSO) Act, Munger in connection with Harinmar P.S. Case No. 01 of 2020.

(Satyavrat Verma, J)

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