

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43033 of 2021

Arising Out of PS. Case No.-174 Year-2020 Thana- RAJIVNAGAR District- Patna

SACHCHIDANAND SINGH @ BHAGERU @ SADHU Son of Umesh Kumar @ Umeshanand Singh Resident of village - Chamuchak, P.S. Pipra, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhramveer, Advocate

For the Opposite Party/s : Mr.Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. appearing for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner, who is in custody since 14.08.2020 seeks regular bail in connection with Rajivnagar P.S. Case No. 174 of 2020, for the offence punishable under Sections 341, 323, 363, 366(A), 379/34, 376, 506 and 506 of Indian Penal Code and Section 4 and 6 of the POCSO Act, pending in the Court of Addl. Sessions Judge-VI-cum-Spl. Judge, POCSO Act.

The prosecution case, in brief, is that on 02.06.2020, one Piyush Kumar, on false assurance of marriage,



forcibly took away the daughter of informant, aged about 14 years. Mother and father of victim girl went to the house of accused, where they narrated the whole episode to the mother and father of accused, who assured them that they will co-operate to recover the victim. On 05.06.2020 victim returned to her home. She made allegation against the petitioner and his relative one co-accused Piyush Kumar committed rape with her at Punpun.

Learned counsel appearing on behalf of the petitioner submits that petitioner has not committed any offence and he has falsely been implicated in this case. It appears that the statement of victim under Section 164 of the Cr.P.C. has not been recorded.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforesaid facts and circumstances of the case, I am not inclined to release the petitioner on bail. Accordingly, the prayer for bail is rejected. The learned trial Court is, however, directed to record the Statement of the victim girl, if already not recorded, as well as the statement of mother and father of the victim and all the other necessary witnesses and after recording their evidences, if the Court below finds it



proper in facts and circumstances of the case, pass necessary order in accordance with law, without being prejudiced by his earlier order dated 05.02.2021. If the Court below is satisfied to release the petitioner on bail, the petitioner, above named be released on bail on such terms and conditions as the court below may deem fit and proper.

Accordingly, with the above observation and direction, the present petition is disposed of.

(Purnendu Singh, J)

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