

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31884 of 2022

Arising Out of PS. Case No.-21 Year-2019 Thana- CHAPRA TOWN District- Saran

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Digvijay Singh @ Sonu Kumar Son Sof Munna Singh R/O Village And P.O.-
Dahiyawan Tola, P.S.- Chapra Town, District- Saran (CHPARA)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Nath Rai, Advocate.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-08-2022 Today this case has been listed on the motion slip
filed by the learned counsel for the petitioner.

Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Chapra Town P. S. Case No. 21 of 2019
registered for the offences punishable under Sections 354 (B)
(D), 366 (A), 376 and 511 of the Indian Penal Code and Section
3/10 POCSO Act and Section 3, 4 and 6 of Human Trafficking
Act 1956.



As per the prosecution case, it is alleged that while the petitioner was coming to his village and when she reached at Chapra Railway Station on 12.01.2019, she met co-accused Shobha Biwi and thereafter, she was taken to the house of Shobha Biwi which was 2 k.m. away from the Railway Station. It is also alleged that the informant was locked in a room and her mobile phone and SIM Card was also taken. It is further submitted that this petitioner forcibly put bottle of wine in her mouth and also gave some medicines and tried to stripe her off in order to rape her.

Learned counsel appearing on behalf of the petitioner submitted that in fact, no such occurrence had taken place and save and except the allegation of misbehave, there is no allegation that she was subjected to rape by the petitioner. It is further submitted that co-accused Shobha Biwi against whom, there is allegation that she brought the informant into her house, she has been granted bail by learned court below itself vide order dated 21.01.2019 and this petitioner is in custody since 07.01.2022, having a man of fair antecedent; the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State



opposes the bail application and submits that there is specific allegation that the petitioner has tried to outrage the modesty of the victim and made an attempt to commit rape upon her.

Having considered the submissions made on behalf of the parties and taking into account the nature of allegation as well as the fact that the co-accused Shobha Biwi has already been granted bail by learned court below itself and the petitioner is in custody since 07.01.2022 and moreover, after completion of the investigation, the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI-cum-Exclusive Special Judge (POCSO Act) in connection with Chapra Town P. S. Case No. 21 of 2019, subject to the condition that one of the bailors will be the close relative 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, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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