

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33047 of 2022

Arising Out of PS. Case No.-19 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

RAKESH KUMAR @ RAKESH KUMAR SINGH @ RAKESH SINGH S/o
Krishna Singh R/o village - Paharpur Manorath, P.S.- Sahebganj, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through the virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 302,
201/34, 376(D) of the Indian Penal Code and Sections 4 and 8
of the POCSO Act.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

The informant alleges that on 03.01.2021, informant's
daughter informed him about her minor sister being raped and
then set on fire. It is alleged that informant's daughter disclosed
that on 05.12.2020, at about 11:45 p.m., the deceased was called



by Gulshan Kumar and Chanchal Kumar and was raped and further threatened the deceased that if she does not continue the physical relationship her nude photographs will be made viral and also threatened that if she discloses this to anyone both the accused would kill her. It is further alleged that four accused demanded the elder sister also to establish physical relation with them like the victim or will make the nude pictures of the victim viral. It is further alleged that on 03.01.2021, the accused persons came to the informant's house and committed rape upon his younger daughter i.e. the victim and killed her. Meanwhile, the second daughter reached the place of occurrence and she found the door locked from inside and then all the aforesaid four accused came out of the room and threatened the second daughter of the informant not to disclose the incident to anyone else or else she would also meet the same fate. It is further alleged that apart from the aforesaid four persons about 10-12 persons assisted the accused persons in disposing of the dead body of the victim.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that petitioner is not named in the FIR and his name came during the course of investigation in the



confessional statement of co-accused Gulshan Kumar who has stated that the petitioner helped in disposing of the dead body of the deceased. It is next submitted that as a matter of fact Gulshan Kumar was having an affair with the deceased and after establishing physical relationship with her, he took nude snaps from his mobile phone and transmitted on the phone of Chanchal Kumar through bluetooth and the said photographs of the victim was made viral by Chanchal Kumar and Abhinay Kumar. It is also submitted that on account of the said fact the victim committed suicide by herself. Learned counsel for the petitioner submits that similarly situated co-accused Jai Narayan Singh has been granted anticipatory bail by order dated 21.02.2022 in Cr. Misc. No. 69492 of 2021 wherein his name was disclosed by the second daughter of the informant stating that he was involved in disposing of the dead body of his sister. It is further submitted that similarly situated other co-accused Nand Kishore Singh and Nagendra Singh have also been granted anticipatory bail by this Court vide order dated 19.09.2022 passed in Cr. Misc. No. 14520 of 2022. It is also submitted that co-accused Jugali Singh @ Ajay Singh has already been granted anticipatory bail by this Court vide order dated 25.11.2022 passed in Cr. Misc. No. 31083 of 2022.



Learned counsel thus submits that the case of the petitioner stands on a better footing as his name transpired in the confessional statement of co-accused and not in the statement of the family members of the deceased.

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

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sahebganj P.S. Case No. 19 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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