

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48698 of 2021

Arising Out of PS. Case No.-228 Year-2020 Thana- NARPATGANJ District- Araria

=====

DIPAK KUMAR BHARDAR @ DEEPAK KUMAR BAHARDAR @
DIPAK Son of Wali Bahardar @ Bali Bahardar Resident of Village- Farhi,
Ward No.07, P.S.- Narpatganj, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar

For the Opposite Party/s : Mr. Raj Kishore Singh

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-03-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Special (POCSO) Case No. 15 of 2020, arising out of
Narpatganj Police Station Case No. 228 of 2020, registered for
the offence punishable under Section 376 of the Indian Penal
Code and Sections 3/4 of the Prevention of Children from
Sexual Offences Act, 2012.

The prosecution case, as per the First Information
Report, is that the informant had gone to attend nature's call in a
maize field, where the petitioner arrived, torn her cloths and
committed rape upon her.

Learned Counsel for the petitioner submits that the



petitioner has falsely been implicated in this case due to previous enmity inasmuch as earlier, the mother of the petitioner had lodged a complaint case, bearing Complaint Case No. 1501 © of 2018, under Sections 147/148/149/307/452/379/325/354-B of the Indian Penal Code against the family members of the informant. He further submits that from perusal of the statement of the informant, made in the First Information Report and the statement recorded under Section 164 of the Code of Criminal Procedure, 1973, it would be evident that there is material contradiction in the said two statements inasmuch as in the First Information Report, the informant has stated that rape was committed whereas in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973, she has not stated that rape was committed upon her by the petitioner. He further submits that the victim girl was examined by the doctor within two days of the alleged occurrence, but the doctor has not found any sign of fresh sexual assault upon the victim girl. The doctor has assessed her age between 18 and 20 years. He further submits that the petitioner is in custody since 05.01.2021.

Having heard learned Counsel for the parties and taking into consideration the previous enmity between the two families and the contradiction in the statement of the informant



made in the First Information Report and the statement recorded under Section 164 of the Code of Criminal Procedure, 1973, and the fact that the petitioner is in custody since 05.01.2021 and charge sheet has been submitted against him, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge -cum- Special Judge (POCSO), Araria, in connection with Special (POCSO) Case No. 15 of 2020, arising out of Narpatganj Police Station Case No. 228 of 2020.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

