

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53302 of 2021

Arising Out of PS. Case No.-2 Year-2021 Thana- MEHUSH District- Sheikhpura

Bholu Panda @ Bhola Singh, Son of Late Indradeo Singh, R/O Village-
Mehus, P.S.- Mehus, Dist.- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

7 23-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Pankaj Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Mehus P.S. Case No. 02 of 2021 registered for the offence punishable under Section 376 of the Indian Penal Code.

The prosecution case is based on a complainant petition filed by the victim/informant alleging therein that on 15.09.2020 when she went to Surya Mandir, the petitioner having found her alone committed rape. In the meantime, her mother-in-law and husband came there and saw the complainant



was lying naked and she told the entire incidence to them. It is further alleged that thereafter they were taken the victim to the police station for lodging the F.I.R. however, in the meantime, the villagers restrained them and Panchayati was taken place, but the petitioner did not obey the order of the Panchayati.

Learned counsel for the petitioner submits that the falsity of the prosecution case is also evident from the fact that with regard to an occurrence, which took place on 15.09.2020, a complaint petition was filed on 07.10.2020, which was later on referred to the concerned police station under Section 156(3) of the Cr.P.C. on 19.10.2020 and the substantive F.I.R. has been registered on 18.01.2021. The statement of the victim was recorded on 05.03.2021 and the charge-sheet has been submitted on 28.05.2021. It is next submitted that the statement of the victim/informant with regard to the Panchayati has not been supported by any of the witnesses during the course of investigation, which demolishes the entire case of the prosecution and moreover the witnesses, who supported the prosecution case is non-else than the husband, mother-in-law and uncle-in-law of the victim. It is lastly submitted that this the petitioner is aged about 63 years and is in custody since 09.04.2021, having fair antecedent, and moreover there is no



substantive progress in the trial.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the witnesses have supported the prosecution case and the statement of the victim has been recorded under Section 164 of the Cr.P.C. wherein she has categorically stated that she was subjected to rape at the hands of the petitioner.

Having regard to the submissions made on behalf of the parties and considering the delay in filing the complaint petition as well as the fact that the statement with regard to the Panchayati has not been corroborated by any of the witness and moreover the petitioner is in custody since 09.04.2021, having fair antecedent, let the petitioner, named above, 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 Chief Judicial Magistrate, Sheikhpura in connection with Mehus P.S. Case No. 02 of 2021, subject to the condition that one of the bailors will be the close relatives 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)

uday/-

U		T	
---	--	---	--

