

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44480 of 2022

Arising Out of PS. Case No.-163 Year-2021 Thana- AMNAUR District- Saran

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Brijmohan Singh @ Dhalu Singh @ Dhallu Singh Son Of Late Ram Singh
R/O Village- Gosi Amnaur Sultan, P.S.- Amnaur, District- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Dewendra Narayan Singh, Advocate
For the State : Mr. Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Amnaur P.S.
Case No.163 of 2021 registered for the offence under Sections
376, 120B, 201 and 34 of the Indian Penal Code and Sections 67
and 67A of the Information Technology Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 15.07.2021.

The allegation against the petitioner is to commit rape
upon victim 'x' alongwith, other co-accused persons, where case
was lodged by S.H.O, Amnaur, as informant, on the basis of
video clip regarding occurrence, which was made viral and
received by informant on his mobile phone.

Learned counsel appearing on behalf of the petitioner



submitted that the allegation of rape is specifically available against co-accused, namely, Dilip Singh, whereas allegation against this petitioner is limited to stand near the place of occurrence, alleging to watch/follow the movement of people around place of occurrence. It is submitted that allegation of rape is not available against this petitioner as per statement of victim recorded under Section 164 of the Cr.P.C. It is submitted that victim has already been examined before learned Trial Court, where she completely denied the occurrence of rape. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as allegation of rape is not available against petitioner, where allegation against this petitioner is limited to watch the movement of general public around the place of occurrence, who is in custody since 15.07.2021, let above named petitioner is directed to be released on bail in connection with Amnaur P.S. Case No.163 of 2021 on furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge, Saran/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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