

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69492 of 2021

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

JAI NARAIN SINGH Son of Late Ramdeo Singh Resident of village -
Paharpur Manorath, P.S.- Sahebganj, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-02-2022 Heard Mr. Sheo Kumar Prasad, learned counsel for
the petitioner and Mr. Jagdhar Prasad, Additional Public
Prosecutor for the State.

Petitioner seeks regular bail in connection with
Sahebganj PS Case No. 19/2021 registered for the offence
punishable under Sections 302, 201/34, 376(D) of the IPC read
with Sections 04, 08 of the POCSO Act.

As per First Information Report, the informant was
told by his second daughter that on 05.12.2020 at about 11:45
P.M., Gulshan Kumar and Chanchal Kumar committed rape
upon his younger daughter by calling her to their Dalan and they
also took nude snaps of the victim (younger daughter of the
informant). It is further alleged that on the basis of nude pictures
of the younger daughter of the informant, the accused persons
started pressurizing/blackmailing the second daughter of the



informant and wanted to establish sexual relationship with her also. It is also alleged that on 03.01.2021, the accused persons, namely, Gulshan Kumar, Chanchal Kumar, Abhinay Kumar and Raja Kumar came to the informant's house and committed rape upon his younger daughter i.e., victim and killed her. Meanwhile, the second daughter reached to the place of occurrence and she found the door locked from inside and then all the aforesaid four persons came out of that room and threatened the second daughter of the informant not to disclose the incident to anybody, else she would also meet the same fate. It is next alleged that apart from aforesaid four persons, about 10-12 persons assisted the accused persons in disposing the dead body of the victim.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and he has been implicated in this case on basis of confessional statement of co-accused, Gulshan Kumar. He further submits that the fact of the matter is that co-accused, Gulshan Kumar was having love affair with the deceased and after establishing physical relationship with her, he took nude snaps of the deceased from his mobile phone which was transmitted to phone of co-accused Chanchal Kumar through Blue Tooth and the said photograph of the victim was



made viral by Chanchal Kumar and Abhinay Kumar. He further submits that due to the fact that nude pictures of the victim girl was made viral, she committed suicide by burning herself. It is further submitted that the petitioner along with other accused persons with the help of villagers disposed the dead body by burying the same near the bank of river *Gandak*.

Learned counsel further submits that the restatement of the informant was recorded but the informant did not take the name of this petitioner. The name of this petitioner came during course of investigation by the police in which second daughter of the informant in para-6 of the case diary stated that the petitioner and others were involved in the disposal of the dead body of the deceased. According to the learned counsel for the petitioner, on the basis of the statement made by the elder daughter of the informant, at best, the offence under Section 201 IPC will be attracted against the petitioner. There is no allegation of rape against the petitioner. Petitioner being 75 years old having no criminal antecedent is in custody since 11.08.2021 and the charge-sheet has already been submitted. There is no likelihood that the petitioner will abscond or will tamper with the evidences, if he is granted bail.

Regards being had to the submissions made by the



parties and taking into consideration the material on record and the fact that there is no allegation against the petitioner that he was instrumental in committing rape and killing of the younger daughter of the informant, he is not named in the FIR and the only allegation which came during course of investigation is that he was also involved in the disposal of the dead body subsequent to the incident along with a large number of villagers, petitioner being 75 years old, having no criminal antecedent, is in custody since 11.08.2021, the charge-sheet has already been submitted, there is no likelihood that the petitioner will abscond or will tamper with the evidences, if he is granted bail, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, JAI NARAIN SINGH be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-Special Judge, POCSO Act, Muzaffarpur in connection with Sahebganj PS Case No. 19/2021.

(Anil Kumar Sinha, J)

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