

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56748 of 2021**

Arising Out of PS. Case No.-50 Year-2021 Thana- MAHILA P.S. District- Saran

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Sujit Kumar @ Pandit Singh Son of Abhay Nath Singh @ Abhinash Singh  
Resident of Village - Mirzapur Dighra, P.S.- Autar Nagar, Distt.- Saran at  
Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Udai Shankar Singh, Advocate.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP.

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**

**ORAL ORDER**

**4      18-05-2022**                      Learned counsel for the petitioner is permitted to  
remove defect(s), as pointed out by the office, if any, within a  
period of four weeks from today.

Heard Mr. Udai Shankar Singh, learned counsel for  
the petitioner and Mr. Jharkhandi Upadhyay, learned Additional  
Public Prosecutor for the State.

The application for grant of bail to the petitioner,  
above named, who has been made accused and put behind the  
bar in connection with Saran Mahila P. S. Case No. 50 of 2021  
registered for the offences punishable under Section 376 (D) of  
the Indian Penal Code and Section 67 of the Information  
Technology Act.

As per the prosecution case, it is alleged that on



23.06.2021 at about 08:30 P.M., when the informant had gone for nature call outside her house, two boys caught her and pull her down near water tank. It is further alleged that when she raised alarm, then four boys came there and one of the them closed her mouth and one of the boys committed rape upon her. It is next alleged that during the commission of rape two of the accused, namely, Bholu Kumar and Bhuar Mahto were making video. There is specific allegation that the co-accused Rakesh Kumar Singh raped her.

Learned counsel appearing on behalf of the petitioner submits that this petitioner is not named in the F.I.R., however, his name had figured out during the course of investigation on the basis of confessional statement of co-accused Mukesh Mahto @ Dhela, who confessed before the Police regarding involvement of this petitioner. It is further submitted that with regard to the occurrence, which has taken place on 23.06.2021, this F.I.R. has been instituted on 29.06.2021 and moreover, during the course of investigation the video, which is said to have been prepared, while alleged commission of rape, has been shown to the victim but even in the video the petitioner has not been figured out. It is next submitted that this petitioner has absolutely clean antecedent



and is in custody since 07.07.2021. Apart from the fact that the investigation has already been completed and there is no allegation of any intimidation to the victim or tampering with the evidence.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that there is a serious allegation that this petitioner has actively participated in this heinous offence and as such, he does not deserve to grant privilege of bail.

Having considered the submissions made on behalf of the parties and taking into account the fact that this petitioner is not named in the F.I.R. and he is in custody since 07.07.2021 but he has not been put on T.I.P. till date nor has been identified in the video, which is said to have been prepared by other accused persons. Further there is delay in lodging of the F.I.R., apart from the petitioner having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Saran at Chapra in connection with Saran Mahila P. S. Case No. 50 of 2021, subject to the condition that one of the bailors will be the close relative 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)**

***Shakir/-***

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