

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64013 of 2021

Arising Out of PS. Case No.-36 Year-2021 Thana- MAHILA P.S. District- Saran

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ARUN KUMAR SINGH, Son of Sawalia Singh @ Sawalia Bihari Singh,
Resident of Village- Loha Tola Nai Basti Inai, P.S.- Rivilganj, District-
Chapra (Saran)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Gaurav Kumar, Advocate Mr. Mukund Mohan Jha, Advocate
For the Opposite Party/s :		Mr.Rajendra Prasad Nat, A.P.P.
For the Informant	:	Mr. Anil Kumar Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 10-05-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within two weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned

counsel for the informant and Mr.Rajendra Prasad Nat, learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Mahila P.S. Case No. 36 of 2021 registered for

the offences punishable under Sections 376, 420, 120(B) of the

Indian Penal Code. He is in custody since 01.09.2021. The

petitioner has got no criminal antecedent. Petitioner is said to be

a teacher in a government school.



Learned counsel for the petitioner submits that from the First Information Report as well as the statement of the victim girl under Section 164 Cr.P.C. (Annexure '1' and '2' respectively) it would appear that according to the informant the marriage of the son of this petitioner and the informant was fixed in March 2016 and ring ceremony had also taken place. It is alleged that after the said ring ceremony the son of this petitioner was regularly going to visit the victim girl and they were spending some time together in temple, restaurant, hotel etc. It is alleged that taking the victim girl in confidence the son of the petitioner had established physical relationship with her and had also stayed in live-in relationship and exploited her sexually. It is then alleged that after four years of sexual exploitation the date of marriage was not fixed and he got his marriage fixed some where else to get his demand of dowry fulfilled.

Learned counsel for the petitioner submits that in the whole F.I.R. there is not even a single word to suggest that this petitioner is in any way instrumental in the alleged occurrence of establishment of physical relationship between the boy and the victim girl. It is further submitted that the victim girl has disclosed her age as 22 years in her statement under Section 164



Cr.P.C. and in such circumstance, the petitioner has been made accused just to harass him being father of the boy. He is a school teacher and has remained in custody since 01.09.2021, investigation against him is complete and his presence may be secured in course of trial.

On the other hand, learned counsel for the informant as well as Mr.Rajendra Prasad Nat, learned A.P.P. for the State have opposed the prayer for bail of the petitioner. Learned counsel for the informant submits that this petitioner is named in the F.I.R. but save and except that he is unable to demonstrate that in the F.I.R. any role of this petitioner has been described in the alleged occurrence.

Having regard to the materials placed on the record and on finding that this petitioner is the father of the boy with whom the marriage of the victim girl was allegedly fixed and that the victim girl was going with the boy and had established physical relationship in connection with which this petitioner has no role to play, he is also a government servant as a school teacher and his presence may be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the



satisfaction of learned Sub-Divisional Judicial Magistrate, Chapra, Saran in connection with Mahila P.S. Case No. 36 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

