

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.67040 of 2021**

Arising Out of PS. Case No.-22 Year-2020 Thana- DALSINGHSARAI District- Samastipur

ARVIND SAH @ ARVIND KUMAR SAH Son of Bhatu Sah Resident of  
Village- Dih Pagra, P.S.- Dalsingh Sarai, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Alok Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA  
ORAL ORDER**

3      30-06-2022                      Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

Learned counsel appearing on behalf of the petitioner  
seeks permission to modify the paragraph no.1 of the present  
bail petition during course of the day, since, inadvertently not  
mentioned the section related with POCSO Act and SC/ST Act.

Permission is accorded.

Accordingly, the learned counsel appearing on behalf  
of the petitioner directed to modify paragraph no.1 of the bail  
petition, during course of the day.

The petitioner seeks bail in connection with Dalsingh  
Sarai P.S. Case No. 22 of 2020 registered for the offence under



Sections 323, 341, 354, 376 and 504 of the Indian Penal Code, Section 4 of POCSO Act and Section 3(2)(v) of the SC/ST Act.

The accused/petitioner is named in the F.I.R. and is in custody since 28.08.2021.

The allegation against the petitioner is to commit rape upon the daughter of the informant, who is minor and is a member of SC community. It has further alleged that the present FIR lodged in pursuance of the direction of Section 156(3) Cr.P.C. after receiving the complaint of the complainant / informant after 18 days of occurrence.

Learned counsel appearing on behalf of the petitioner submitted that the present case lodged by the complainant/informant after 18 days of occurrence without having any explanation as regard to delay. It has further been submitted that mother of the victim, who is the informant, lost the election of Ward Member due to father of the petitioner and for this political rivalry the present false case has been lodged against the petitioner, where, initially all the family members including the present petitioner was arrayed as accused but after investigation police has submitted the Final Report against rest of the accused except the present petitioner. It has further been submitted that medical examination of the victim was conducted



on 23.09.2021 for the occurrence of 02.11.2019 and 15.11.2019, after about two years. It has further been submitted that the statement of victim under Section 161 of Cr.P.C. has recorded after one year and statement under Section 164 of Cr.P.C. of the victim has not been recorded during course of investigation. While concluding the argument, it has been submitted that petitioner is man of clean antecedent and moreover, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that there is inexplicable delay of 18 days for lodging the complaint.

Considering the facts and circumstances as mentioned above, as complaint of the informant, which is basis of present FIR, is being lodged after delay of 18 days coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Dalsingh Sarai P.S. Case No. 22 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Dalsingh Sarai, Samastipur, subject to the following conditions:



*“(i) That if the petitioner tampers with the evidence or the witnesses, in that event, trial court shall be at liberty to cancel the bail bond of the petitioner.*

*(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.*

*(iii) That one of the bailors shall be Bhatu Sah, who is the father of the petitioner and deponent of the present bail petition.”*

**(Chandra Shekhar Jha, J)**

S.Katyayan/  
R.S. Sen/-

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