

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71227 of 2021

Arising Out of PS. Case No.-62 Year-2021 Thana- MAHILA P.S. District- Patna

RAKESH KUMAR SINGH Son of Umesh Prasad Singh Resident of Village -
B.M.P.-5, Phulwarisharif, Bihar Veterinary College, P.S.- Hawaii Adda, Distt.-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Satya Prakash Parasar, Advocate
For the Opposite Party/s	:	Mr.Rabindra Kumar, APP
For the Informant	:	Mr.Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-05-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 376, 354(c), 420,
504, 506 and 509 of the Indian Penal Code read with Sections 8,
4 and 12 of the POCSO Act and Sections 67 and 67(B) of the IT
Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 01.10.2021, charge-sheet has been
submitted in the case and has antecedent of one case which was
also instituted by the present informant.

The informant alleges that the informant as a minor
started her athletic career in the year 2006 under the guidance of



S.I., Smt. Uma Singh and started taking coaching from the petitioner, thereafter the petitioner started creating distance of the informant with her family and supervisor Uma singh, it is further alleged that the petitioner also broke her mobile when he came to know that the informant talks to one Ajay but later provided a Samsung mobile. It is further alleged that the petitioner attempted to rape the informant when she had gone to participate in a competition at Lucknow and was staying in a hotel and again the petitioner went to Munger also where the informant had gone to participate in a school competition and also in the year 2012, the petitioner called the informant to his house on the pretext that his wife wanted to meet her and when the informant reached his house, no one was there and petitioner raped her and took objectionable photographs. It is further alleged that even the wife of the petitioner didn't help the informant when she disclosed the occurrence to her rather informed the petitioner who badly assaulted and abused her and the petitioner made viral a photograph saying that he had married the informant on account of which her marriage got canceled, further the petitioner assured that from now onwards he will not interfere with her life.

Learned counsel for the petitioner raises a very short



and a crisp submission and submits that the entire allegation as alleged by the informant is full of falsity with regard to the allegation of rape, it is submitted that prior to instituting the present F.I.R. the informant had instituted Rupaspur P.S. Case No. 412 of 2020 dated 18.12.2020 registered under section 420, 467, 504 and 506 of the I.P.C. read with sections 66 (D) (E) of the I.T. Act. Learned counsel submits that the said FIR is annexed as Annexure '2' to the bail application and from perusal of the same it would manifest that it does not even remotely suggest that the informant was raped by the petitioner. It is further submitted that when the petitioner got anticipatory bail in pursuance of Annexure '2' thereafter by way of afterthought, the informant instituted the present F.I.R. wherein she alleges that she was raped by the petitioner when she went to participate in a competition and even after calling her to his house. Learned counsel further submits that it absolutely does not stand to reason that if what has been alleged in the present F.I.R. is true then what prevented the informant from alleging the present allegations in the first F.I.R. which she had instituted against the petitioner. It is further submitted that from the contents of the allegations as alleged in the present F.I.R. it would manifest that the occurrence had taken place way back in 2012 and even



before but the F.I.R. came to be instituted in 2021 i.e., after an inordinate delay of more than nine years, it is also submitted that it appears that for some ulterior reasons, the present F.I.R. has been instituted only with a view to coerce the petitioner into submission or else there was no reason for the informant not to bring the allegations as contained in the present F.I.R. in the first F.I.R. which she had instituted against the petitioner.

Learned A.P.P. for the State and the learned counsel for the informant vehemently oppose the prayer for bail of the petitioner and the learned counsel for the informant submits that the trial has commenced and out of six witnesses, one witness i.e., the informant has been examined and as such the petitioners should not be enlarged on bail as the trial has commenced, but the learned counsel for the informant is not in a position to rebut the submissions made by the learned counsel for the petitioner with regard to the fact that when the informant initially in the year 2020 had instituted the aforesaid Rupaspur P.S. Case No. 412 of 2020 then why the allegations as alleged in the present F.I.R. did not form part in the said F.I.R.

Considering the fact that the petitioner is in custody since 01.10.2021, charge-sheet has been submitted in the case and taking into consideration the submissions made by the



learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Special (POCSO) Case No. 84 of 2021 arising out of Mahila P.S. Case No. 62 of 2021.

Further, if the learned court below comes to the conclusion that the petitioner after his release in any manner is trying to delay the trial, then the learned court below shall forthwith cancel his bail bonds after recording reasons.

(Satyavrat Verma, J)

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