

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27950 of 2023

Arising Out of PS. Case No.-765 Year-2021 Thana- FATUA District- Patna

SANJAY SINGH, aged about 57 years, Son of Late Laxmi Narayan Singh
Resident of village -Lasgari Chak, P.S.-Fatuha, District-Patna ... Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate

For the Opposite Party/s : Mr.Abhay Kumar, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

2 10-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Fatuha P.S. Case No. 765 of 2021 dated 04.10.2021 registered
for the offence(s) punishable under Section(s) 376 D of the
Indian Penal Code.

3. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner earlier preferred
Cr. Misc. No.13669 of 2022 for the relief of regular bail which
was rejected by this Court and petitioner has now come again
for the same relief on the ground that the informant, who is
stated to be the victim of this case, has been examined as P.W. 1
in the petitioner's trial and during examination, she did not
identify this petitioner, who was also present in the court room
at the time of examination of the victim and the said fact is
sufficient to falsify the allegation levelled against the petitioner



in the F.I.R. and moreover the main witness of the prosecution has been examined in the trial of the petitioner, hence there is no chance of tampering with material witnesses by this petitioner, if he is enlarged on bail and he has been languishing in jail since 13.11.2021.

4. Learned APP appearing for the State opposes the bail prayer.

5. Heard both the sides. After rejection of petitioner's first earlier prayer, the victim has been examined as prosecution witness and she is stated to be the main and material witness of the prosecution and during her examination, she did not identify this petitioner, as appears from her deposition filed as Annexure 2, so in view of this new circumstance as well as petitioner's long judicial custody, I am inclined to enlarge him on bail, accordingly, let the petitioner be released on bail in connection with Fatuha P.S. Case No. 765 of 2021 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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