

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29575 of 2023

Arising Out of PS. Case No.-1 Year-2020 Thana- HARINMAR District- Munger

BIRBAL SINGH Son of Late Sahdev Singh Resident of Village - Athsaiya,
P.S.- Harinmar, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Niwas Prasad, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Harinmar P.S. Case No. 01 of 2020 registered for the offence
under Sections 147, 148, 323, 366A, 307, 376D and 385/34 of
the Indian Penal Code and Section 27 of the Arms Act.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 30.05.2022.

4. The allegation against the petitioner is to
commit rape upon the minor daughter of the informant, along
with other co-accused persons.

5. Learned counsel appearing on behalf of the
petitioner submitted that petitioner implicated falsely with
present case and same can be gathered from the deposition of



victim herself, as she deposed during the trial as PW-3, where, she declared hostile and not appeared friendly with prosecution by denying the entire occurrence of kidnapping and sexual assault, as raised through present FIR. It is submitted that in view of the deposition of victim herself, no purpose of justice shall be served by keeping this petitioner behind the bar for any further period. It is also pointed out by learned counsel that trial is not likely to conclude in near future. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as victim herself failed to support the case of prosecution before the learned trial court, where, trial is not likely to conclude in near future and petitioner is in custody since 30.05.2022, let the petitioner, above named, is directed to be released on bail in connection with Harinmar P.S. Case No. 01 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 Additional Sessions Judge-VIth-cum-Exclusive Special Judge (POCSO Act), Munger/concerned



court, subject to the condition as mentioned under Section
437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

