

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51608 of 2023

Arising Out of PS. Case No.-531 Year-2019 Thana- SASARAM NAGAR District- Rohtas

Bittu Singh @ Bittu Kumar Singh @ Sudhir Kumar Singh Son Of
Dharmendra Kumar Singh Village Sadokhar, Ps- Chenari, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Dharmendra Kr. Singh
For the Opposite Party/s :	Mr. Sadanand Paswan
For the Informant	Mr Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for regular bail has been filed by the petitioner registered for the offence punishable under Sections 376(D), 379,34 of the Indian Penal Code, Section 4/8 of the POCSO Act and Section 3(1)(r)(s)(w) of SC/ST Act.

As per allegation in the FIR, in absence of parents of the minor victim/informant, petitioner and co-accused Shubham Kumar entered into her house and took away all ornaments and money after breaking the box. It is further alleged that they took her forcibly by a motorcycle to one hotel and committed rape one after another.

Learned counsel appearing on behalf of the petitioner



has submitted that petitioner is innocent and has committed no offence. During investigation, the police has found the case to be false against the petitioner and final form was submitted against the petitioner. Petitioner is a student of Civil Diploma Court in Trinity Institute of Technology and Research, Bhopal and he appeared on 15.6.2019, 18.06.2019 and 20.6.2019 in examination of 1st Semester of Diploma Civil Engineering in Rajiv Gandhi Proudyogiki Vishwavidyalaya, A/4 Gautam Nagar, Bhopal (M.P.) Specific allegation is against co-accused Shubham Kumar, who has already been granted bail by another Bench vide order dated 23.8.2023 passed in Cr. Misc. No. 52411 of 2023. Medical report is not in consonance with the prosecution story. Petitioner has got no criminal antecedent and is languishing in judicial custody since 27.6.2023.

Learned APP appearing for the State has opposed the prayer of Bail and submitted that victim was recorded u/s 164 Cr.P.C. in which she has made direct allegation of rape against the petitioner.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail



bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI-cum-Exclusive Special Court, POCSO, Rohtas at Sasaram in connection with Sasaram (Darigaon) P.S. Case No. 531 of 2019.

(Sunil Kumar Panwar, J)

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