

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54967 of 2022

Arising Out of PS. Case No.-73 Year-2021 Thana- HISUWA District- Nawada

TULLU SINGH @ SHASHI CHANDRA ROY, Son of Dwarika Kant Singh,
Resident of Village- Hadsa, P.S.- Hisua, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Advocate
		Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 16-02-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Rajendra Naraian, learned senior counsel,
duly assisted by Mr. Rajesh Kuamr, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Hisua P.S. Case No. 73 of 2021 registered for
the offences punishable under Sections 376 and 511 of the
Indian Penal Code.

The prosecution case is based on the fardbeyan of the
informant alleging therein that while the informant went to the
house of the Manager of the Cigarette factory, in the meantime,
the petitioner and the factory manager misbehaved with her and
tried to commit wrongful act. It is further alleged that when



hulla was raised, the accused persons fled away.

Learned senior counsel appearing on behalf of the petitioner submits that from the F.I.R. it is evident that the allegation has been levelled against both the petitioner and the manager of the factory with regard to attempt of committing rape and no specific allegation against the petitioner that he any way misbehaved or committed any wrongful act. He further submits that the falsity of the case is evident from the materials available on record that initially she has alleged that attempt was made by both the accused persons, including the petitioner on 30.01.2021. However, after 1½ years when the statement of the victim was recorded under Section 164 of the Cr.P.C. she stated a very different story that occurrence took place on a different date i.e. on 04.02.2021 and in a different manner and both the accused persons, including the petitioner, have committed rape upon her. Learned senior counsel drawn the attention of this Court to para. 8 of the application and submits that the reason for false implication is demand of remuneration of Rs.600/-, as the petitioner being a veterinary doctor made artificial insemination of her calf. He lastly submits that there is no medical report suggesting that she was subjected to commission of rape and moreover the statement of the victim under Section



164 of the Cr.P.C. was recorded after a delay of 1 ½ years and that too with all contradictions. He lastly submits that the petitioner is in custody for over a period of eight months and the charge-sheet has already been submitted. The petitioner is in custody since 05.06.2022.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that specific allegation has been levelled against the petitioner that he committed rape upon the informant and this fact has also been fortified by the statement of the victim recorded under Section 164 of the Cr.P.C.

Regard being had to the submissions made on behalf of the parties and considering the discrepancies cropped up in the statement of the informant recorded under Section 164 of the Cr.P.C. and there is absence of any medical report, coupled with the fact that investigation of the crime is complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Hisua P.S. Case No. 73 of 2021, subject to the condition that one of the bailors will be



the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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