

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58110 of 2022

Arising Out of PS. Case No.-1907 Year-2018 Thana- SARAN COMPLAINT CASE District-
Saran

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PRAHALAD SINGH S/O YOGENDRA SINGH Resident of village-
Bankerawa, P.S.- Parsa, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. ANAND SINGH S/O BHAGWAN SINGH Resident of village- Katsa, P.S.-
Heldi, District- Saran, Presently Atal Bihari Bajpayee Nagar Netaji Tola
Chowk, P.S.- Chapra Muffasil, District- Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Ban Bihari Singh
For the Opposite Party/s : Mr.Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Protest cum Complaint Case No. 1907 of 2018, arising out of Chapra Muffasil P.S. Case No. 5 of 2017, registered for the offence punishable under Section 366(A)/34 of the Indian Penal Code.

The FIR was filed initially by the informant, alleging therein that her daughter, namely, Anjali Kumari, aged about 15 years, had been abducted by the co-accused person, namely, Dipak Kumar, as also by the other accused persons including



the petitioner herein, who is stated to be the maternal uncle of the said co-accused person, namely, Dipak Kumar.

It appears that after the victim girl had made her statement under Section 164 Cr. P.C. before the learned Magistrate to the effect that nobody had kidnapped her and in fact, she had, on her own volition, gone to the sister-in-law's place of her sister, the police had filed final form, finding the case to be false, as against the accused persons. Thereafter, the informant had filed a protest cum complaint case, which was registered as protest cum complain case No. 1907 of 2018 and then the learned court below, differing from the final report, submitted by the police, has taken cognizance for the offences punishable under Section 366(A) of the Indian Penal Code as against the accused persons including the petitioner herein.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is



having a clean antecedent and he is languishing in custody since 30.7.2022. The learned counsel for the petitioner has further submitted that as far as the petitioner is concerned, apparently, he is having no role to play in the alleged occurrence. It is further submitted that considering the observation made by the learned 1st Additional Sessions Judge, Saran at Chapra in the impugned order dated 1.9.2022, at best, the main accused in the present case is Dipak Kumar, who has been alleged to have established physical relationship with the victim girl. It is also submitted, by referring to the medical examination of the victim girl, annexed as Annexure-5 to the present petition that the Doctor has not found any evidence of recent intercourse, however, she was found pregnant.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the



petitioner and taking into account the materials available on record as also considering the fact that the police, upon investigation, has found the case to be untrue as far as the petitioner is concerned and the victim girl, in her earlier statement, made before the learned Magistrate under Section 164 Cr.P.C., has not whispered about any incident of kidnapping or rape to have taken place, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 6th Saran at Chapra in connection with Complaint Case No. 1907 of 2018, arising out of Chapra Muffasil P.S. Case No. 5 of 2017.

(Mohit Kumar Shah, J)

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