

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66571 of 2022

Arising Out of PS. Case No.-403 Year-2022 Thana- NARPATGANJ District- Araria

JANARDAN SINGH @ JANARDAN KUMAR SINGH S/o Ram Kripal
Singh R/v- Bardaha, Ward No.- 03, P.S.- Narpatganj, District- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Narpatganj P.S. Case No. 403 of 2022 dated 10.09.2022 registered
for the offence under Sections 376/34 of the Indian Penal Code
and Section 4/6 of POCSO Act.

The informant alleges that she is subjected to rape at
the instance of the petitioner and his associates.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the statement of victim as narrated in the F.I.R. and the
statement of victim recorded under Section 164 Cr.P.C. are
contradictory to each other as because the victim in her
fardbeyan stated that one Hareram Singh has committed rape



upon her while she has deposed in her statement under Section 164 Cr.P.C. that the petitioner along with other two co-accused have committed rape upon her. He further submits that the victim has been medically examined on 10.09.2022 and the doctor has not found any external or internal injury on the person of the victim. No sign of recent sexual assault has been found and the doctor has assessed the age of victim more than 18 years. He further submits that since the victim has been declared major at the time of occurrence, no case attracting the provisions of POCSO Act is made out against the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 14.10.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI -cum- Special Judge (POCSO), Araria in connection with Narpatganj P.S. Case No. 403 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

brajesh/-

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

