

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16654 of 2024

Arising Out of PS. Case No.-78 Year-2022 Thana- JAMALPUR District- Munger

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Anant Kumar Singh, aged about 49 years, Male, S/O Sri Ashok Singh, R/O
Amby Nagar, Bindwara, P.S- Kasim Bazar, Distt.- Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rounak Kumar Singh Pankaj, Advocate
For the Opposite Party : Mr. Dilip Kumar No. 1, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 06-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Jamalpur P.S. Case No. 78 of 2022 dated 16.05.2022 registered
for the offences punishable under Sections 376 (3), 307 of the
I.P.C. and Sections 4 and 6 of the POCSO Act.

3. As per the prosecution case, on 16.05.2022 at 2.00
P.M., the informant and her daughter went out of the house to
visit the doctor's place with her husband but her husband took
the informant to her maike and said that he was to drop her
daughter aged 15 years at grandmother's place and he used to
rape her daughters and he also sexually harassed her son aged
about 19 years. He also threatened her whenever she tried to



stop her husband, he tried to kill her and her three children. He also tried to administer poison to the informant and her two daughters. He always demanded money from the maik of the informant and on refusal he used to assault her and also tried to pour kerosene oil on her. She asked her brother to see that her daughter was at grandmother's place or not but she was not found there. Then, she asked her brother to go to *Samrat Hotel* and when he went there he found her husband and elder daughter in a closed room and thereafter he made video from the ventilator of the room for evidence. Thereafter, her brother and his friends opened the door of the room and assaulted the petitioner.

4. Vide order dated 14.03.2024, legible photocopy of the case diary in connection with Jamalpur P.S. Case No. 78 of 2022 from the court of learned Exclusive Special Judge (POCSO Act)-cum-Additional Sessions Judge-VI, Munger and also a report with respect to the stage of the case/trial from the learned trial court was called for stating therein the names and detail of the witnesses examined as also the witnesses who remain to be examined.

5. In compliance of the aforesaid order dated 14.03.2024, the case diary and the present stage of the trial from



the court of the learned Additional Sessions Judge-VI-cum-Eclusive Special Judge, POCSO Act, Munger has been received to this Court by which he has informed that the charge has been framed under Sections 376(3), 323, 307 of the I.P.C. and Section 6 of the POCSO Act against the petitioner on 17.08.2022. In the present case, 11 prosecution witnesses have already been examined on different dates and the prosecution evidence was closed on 31.07.2023. The statement under Section 313 of the Cr.P.C. has been recorded on 18.08.2023. It is further informed that two defence witnesses have been examined and the record is pending for defence evidence and medical report from Army Hospital, Jammu & Kashmir as the petitioner is a retired para military person (C.R.P.F.).

6. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case to satisfy her personal grudge and to capture the petitioner's property. It is submitted that the petitioner is not in a position to establish physical relationship as his genital part is not functioning since last many years while he was in service. It is further submitted that during trial, Subhadra Devi (D.W.1), the mother of the petitioner, has deposed in her evidence that her son Anant Kumar Singh (petitioner) suffers from his genital



non-functioning due to disease since last 12-13 years and even after medical treatment and care it remains non-functional and hence there was dispute over the same between the petitioner and his wife i.e., the informant. During the course of trial, Dr. Raman Kumar has said in his evidence that after examining the general condition and genitalia of the petitioner, the members of the Medical Board have come to the conclusion that he is not able to perform sex at present. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 17.05.2022.

7. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that statements recorded under Section 164 of the Cr.P.C. of both the victims i.e., the daughters of the petitioner are available in paragraph nos. 35 and 36 of the case diary in which they have supported the allegation of committing rape on them by the petitioner. Both the victims are minor girls. The petitioner is the father of the victims. The petitioner was examined medically by the Medical Board on 21.10.2023 while the F.I.R. was registered on 16.05.2022. The petitioner did not file any medical prescription which showed that he was treated prior to the date of occurrence.



8. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Jamalpur P.S. Case No. 78 of 2022, pending in the court of learned Exclusive Special Judge (POCSO Act)-cum-Additional Sessions Judge-VI, Munger.

9. The application stands rejected.

10. The learned trial court is directed to conclude the trial of the petitioner at the earliest.

(Chandra Prakash Singh, J)

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