

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83481 of 2023

Arising Out of PS. Case No.-232 Year-2023 Thana- BACHHWARA District- Begusarai

Rakesh Kumar Singh S/O Late Surendra Prasad Singh R/O Village- Chamtha
Chotkut, P.S- Bachhwara, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Kant Amar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
POCSO Case No.84 of 2023, arising out of Bachhwara P.S.
Case No.232 of 2023, lodged on 25.07.2023, under Sections
363/365 of the Indian Penal Code. Subsequently, vide order
dated 28.07.2023 offences under Sections 376DB, 302, 201,
120B of the Indian Penal Code and Sections 4(2), 6 and 8 of the
POCSO Act, 2012 were added.

3. As per the prosecution, FIR has been lodged against
two named accused persons against whom there is an allegation
of elopement of the informant's daughter whose dead body was
subsequently recovered. Against one named accused and two



unknown accused persons, whose name has come later on, allegation of rape and murder of the victim has come and charge sheet has been filed under those sections whereas petitioner was not named in the FIR.

4. Learned Senior Counsel for the petitioner submits that during investigation it has come that the said child was subjected to rape and death made by the two named accused persons. So far as the role of the present petitioner is concerned, the material has come against him that he has helped in elopement of the dead body of the deceased. Learned Senior Counsel for the petitioner submits that it is due to this reason the charge sheet has been filed against the present petitioner is under Sections 201/34 of the Indian Penal Code read with Section 21 of the POCSO Act whereas charge sheet has been filed against co-accused Mahesh Kujjur, Sudip Kumar and Shivam Kumar under Sections 376(D)(B)/302/201/120B/34 of the Indian Penal Code read with Sections 4(2)/6/8 of the POCSO Act. Counsel further submits that the charges have already been framed. The petitioner is in custody since 29.07.2023 and is accused in three more criminal cases, in which he is on bail.

5. Learned counsel for the State and informant



vehemently oppose the prayer for bail and submit that there is involvement of the petitioner in elopement of the body of the deceased which was subjected to rape.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge, if not framed, and on being satisfied that petitioner is not absconding in the following cases, i.e., (i) Bachhwara P.S. Case No.79 of 2016, (ii) Bachhwara P.S. Case No.38 of 2017 and (iii) Bachhwara P.S. Case No.55 of 2017**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court of POCSO Act-cum-6th Additional Sessions Judge, Begusarai, in connection with POCSO Case No.84 of 2023, arising out of Bachhwara P.S. Case No.232 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) The petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

The trial Court is directed to expedite the trial and conclude the same preferably within nine months.

(Dr. Anshuman, J)

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