

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88402 of 2024

Arising Out of PS. Case No.-118 Year-2024 Thana- VIJAYEPUR District- Gopalganj

Sambhu Singh @ Shambhu Singh S/O Ram Pratap Singh @ Ram Pratap Ray
@ Ram Partap Ray R/O Village- Bankata, P.S- Vijaypur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Lokesh Kumar Singh, Advocate
For the State	:	Mr. Bharat Bhushan, APP
For the Informant	:	Mr. Mukesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-05-2025 Heard Mr. Lokesh Kumar Singh, learned counsel for the petitioner, Mr. Mukesh Kumar Singh, learned counsel for the informant and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Vijaypur P.S. Case No. 118 of 2024 for the offence under sections 363 and 365 of the I.P.C. lodged on 13.06.2024 by the informant, Punam Devi.

3. As per the prosecution story, the informant alleged that her daughter went to tuition by cycle but failed to return. Later upon search as she could not be traced out. The FIR was lodged. Subsequently, the girl was found at Gopalganj station, whereafter, she made statement.

4. Learned counsel for the petitioner submits that



under Section 161 of the Cr.P.C. statement, she made statement that the girl had gone to her maternal aunt (*mausi*) home but subsequently, under Section 164 of the Cr.P.C. she supported the occurrence and alleged that firstly on motorcycle, she was taken to Gopalganj station and then to Delhi. There is allegation that this petitioner had committed rape. He submits that no such occurrence took place and the girl under the pressure of the parents has changed her statement. This petitioner has no criminal antecedent and as such he deserves anticipatory bail.

5. Learned APP and also learned counsel for the informant oppose the prayer and supported the prosecution story submitting that the FIR was against unknown and as such the allegation that he has been framed is baseless. Subsequently, the girl returned and narrated her story, which led to his implication.

5A. The Co-ordinate Bench has called for the case diary and the medical report is present. The girl was examined on 23.09.2024 and the Special Medical Officer Sadar Hospital, Gopalganj, found no signs of injury on the private parts and the hymen was found intact. Further, the age has been opined as 20-21 years and the opinion has been recorded that she has not been subjected to any sexual assault.

6. Considering the aforesaid facts as recorded above,



the medical report of the Government Hospital as also that the petitioner has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gopalganj, in connection with Vijaypur P.S. Case No.118 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;



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

(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 his bail bonds.

(Rajiv Roy, J)

anand/-

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