

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34970 of 2015

Arising out of PS.Case No. -18 Year- 2015 Thana -KOCH District- GAYA

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Ramdular Chauhan @ Ramdular, Son of Bhudhan Chauhan, resident of
Village : Dharhara, P.S. : Konch, District : Gaya.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Prakash Chandra Jha, Advocate.

For the Opposite Party : Mr. Ataur Rahman(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 05-10-2015 Heard learned counsels for the petitioner, informant and

learned counsel for the State

The petitioner is languishing in custody since 0803.2015
in connection with Konch P.S. Case No. 18 of 2015 for the
offences instituted under Sections 292(A), 376, 420, 341, 342,
506/34 of the IPC, 4 of POSCO Act and 66E of I.T. Act.

The prosecution story, in brief, is that the victim girl,
namely, Simpi Kumari aged about 17 years and she belongs
backward caste Kahar and her neighbour Rahul Kumar is a muscle
man and he keeping her under threat and showing pistol sexually
exploited her at several occasion. He also trapped her in his false
love and on pretext of her photograph, called her at Mansu Studio
which was run by Ram Dulal Chauhan(petitioner) and on alleged

date of occurrence in furtherance of their common intention gave a tablet to her on false assurance that after taking this tablet, photograph of her face will be more clear and beautiful and thereafter, after taking that tablet, she became unconscious and when she gained her consciousness she found herself naked in a room of Studio and somehow, she put on her clothes and came back to home and told entire occurrence to her mother. Meanwhile, co-accused Rahul Kumar also came there and he threatened showing pistol that if she will inform about occurrence to any other, she will be killed. Thereafter, her mother advised her to keep mum and mother informed to father who was in Delhi works there as labourer and when his father came, he negotiated her marriage with one Gautam Kumar of District-Jehanabad and the date of marriage was fixed 20.02.2015. Thereafter, co-accused Rahul Kumar went at the village of said Gautam Kumar and gave him an obscene video and told him about informant that she is characterless and whereupon on 18.02.2015, the member of groom's family refused to marry and informant suffered with social humiliation. She has further stated that Rahul Kumar was sexually exploited her since 2013 and on the date of occurrence when she was called at Studio, her video were prepared only to sexually exploit her and blackmail her and she was always being

threatened by the accused persons. In the same F.I.R., she has also stated that she will handover to police the photocopies of Videography and also tape regarding of threatening to her.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 08.03.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence. The main allegation is against co-accused Rahul Kumar. There is no specific allegation against the petitioner for committing rape upon the victim.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned Special Judge(POSCO), Gaya, in connection with Konch P.S. Case No. 18/2015.

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(Sudhir Singh, J)