

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25570 of 2016

Arising Out of PS.Case No. -16 Year- 2016 Thana -MAHILA P.S. District- NAWADA

Abdhesh Chauhan, Son of Ravindra Chauhan, Resident of Village- Jangli Beldari, Police Station- Nawada (Town), District- Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Ram Bachan Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-08-2016 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner apprehends arrest in connection with Nawada Mahila P.S. Case No. 16/16 for offences alleged under Sections 376, 114, 120-B/34 of the Indian Penal Code and under Section 4 of the POCSO Act.

The allegation is that when informant was going to attend the call of nature petitioner and one Sanjay Chauhan by closing her mouth took her to the field of Raghunath Yadav, thereafter Sanjay Chauhan went away and petitioner committed rape with her.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in



the aforesaid case only to put pressure by the mother of the victim for marrying the victim girl. He submits that the witnesses have not supported the prosecution case and the petitioner has no criminal history, as is evident from paragraph 3 of this petition. He further submits that the Medical Board constituted a day after the alleged occurrence has not found any evidence of recent sexual intercourse and found old ruptured hymen. The Medical Board has also ascertained her age to be 16 to 17 years, as such, it has been submitted by the learned counsel for the petitioner that the allegation is unfounded and the supervision note also stated that the witnesses have not supported the prosecution case.

However, learned APP for the State submits that the victim girl herself is the informant and the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the witnesses and the Medical Board have not supported the prosecution case, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, 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 Sub-Divisional Judicial Magistrate, Nawada, in connection with Nawada Mahila P.S. Case No. 16/16,

subject to the conditions as laid down under Section 438(2)
Cr.P.C.

Rajesh/-

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(Nilu Agrawal, J.)

