

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.13957 of 2016**

Arising Out of PS.Case No. -138 Year- 2014 Thana -NAWINAGAR District- AURANGABAD

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Akhilesh Chouhan Son of Deep Narayan @ Deep Narayan Chouhan,  
resident of Village- Nabinagar Pokhara Par, P.S.- Nabinagar, District-  
Aurangabad.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Parwej Khan

For the Opposite Party/s : Mr. M.Rab(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR  
SINGH**

ORAL ORDER

03/ 26-07-2017

Though, the matter is listed in today's cause

list at serial no. 114, the matter is being taken up out of turn  
hearing on the basis of mentioning slip filed by learned counsel for  
the petitioner.

The petitioner has renewed the prayer for bail  
in a case registered for the offences punishable under Sections 363  
and 365 of the Indian Penal Code.

The accusation is of abducting the minor  
daughter of the informant. In the statement recorded under Section  
164 of Cr.P.C., the victim has stated that she was abducted by the  
petitioner, co-accused Dhirendra Yadav and Rintu Chaudhary. It is  
further alleged that this petitioner ravished the victim.

It is submitted by learned counsel for the



petitioner that the victim in her statement recorded under Section 164 Cr.P.C. has stated that she, of her own, went in the company of the petitioner and others and the medical report suggests no sign of external injury including the injury, on the private part. Moreover, the accusation of rape has not been corroborated by the medical opinion, whereas, the victim has been found aged between 16-17 years. Co-accused Dhirendra Yadav has been granted bail vide Cr. Misc. No. 17251 of 2015. A statement has been made in paragraph 3 of the petition that the petitioner is having no criminal antecedent.

Learned counsel for the petitioner has brought on record, through supplementary affidavit, the evidence of the father of the victim being informant and the victim, who have been examined as P.W. 1 and P.W. 3 but they have not supported the prosecution case.

The report of the learned trial court dated 22.02.2017, reflects that out of 9 charge-sheet witnesses, four have been examined.

Learned counsel for the State submits that though there is specific accusation in the FIR against the petitioner but the prosecution case has not been supported by the victim in her statement recorded under Section 164 Cr.P.C. and in her



evidence during trial.

Considering the fact that the accusation has not been supported by the informant-father of the victim and the victim, moreover, the accusation is not being corroborated with the medical opinion and there is no likelihood of the trial being concluded in near future, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge, Aurangabad in connection with Nabinagar P.S. Case No. 138 of 2014.

The learned trial court will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.

**(Dinesh Kumar Singh, J)**

DKS/-

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