

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43034 of 2016

Arising Out of PS.Case No. -174 Year- 2015 Thana -KADWA District- KATIHAR

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Bambam Chaudhary @ Abhay Chaudhary S/o Rambeen Chaudhary R/o
Dumaria, P.S. Parwatta, Distt. - Khagaria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Sri Ram Naresh Ray

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

03/ 21-06-2017

This matter has been listed for hearing out of
turn on the basis of slip filed by the petitioner.

Heard learned counsels for the petitioner and the
State.

The petitioner has renewed the prayer for
anticipatory bail in a case registered for the offences punishable
under Sections 341, 323, 366A and 376/34 of the Indian Penal
Code.

The prosecution case got initiated on the written
report of Puja Kumari to the effect that on 22.10.2015 co-
accused Raja Thakur came to her house and on promise to
perform marriage in temple took her to Katihar, where she was
kept in a room, where he repeatedly established physical



relationship with her. On 27.10.2015 co-accused Raja Thakur took the informant to Katihar court and got the marriage registered. Thereafter, co-accused Uday Choudhary took her to an agricultural land where co-accused Raja Thakur, his brother-in-law, Uday Choudhary and the petitioner Bambam Choudhary gang raped her. Further allegation is that she was also assaulted by the family members of co-accused Raja Thakur to coerce her to establish physical relationship with him. On 07.12.2015 at 6.00 P.M. co-accused Raja Thakur and Uday Choudhary dropped her at Katihar railway station and threatened her to kill her entire family if she will disclose anything to anyone. Thereafter on 08.12.2015, the informant submitted the written report leading to registration of Kadwa P.S. Case No. 174 of 2015.

It is submitted by learned counsel for the petitioner that thrust of accusation is against co-accused Raja Thakur, who performed marriage with the informant. The petitioner has been falsely roped in the present case, who simply happens to be brother of brother-in-law of co-accused Raja Thakur. A statement has been made in paragraph 3 of the petition that the petitioner is having no criminal antecedent. It is further submitted that considering the nature of accusation



wherein family members and relatives of Raja Thakur have been implicated and considering the fact that the informant has admitted that she has performed marriage with co-accused Raja Thakur, co-accused Raja Thakur and Uday Choudhary have been granted anticipatory bail vide order dated 29.06.2016 passed in Cr. Misc. No. 15946 of 2016 by a Bench of this Court as contained in Annexure-3.

Learned counsel for the State submits that the accusation is specific against the petitioner and the bail application of the petitioner was rejected considering the nature of accusation but subsequent thereto, the co-accused were granted anticipatory bail.

Considering the fact that this Court rejected the prayer for anticipatory bail of the petitioner vide order dated 17.02.2016 and subsequently co-accused Raja Thakur and Uday Choudhary have been granted anticipatory bail vide order dated 29.06.2016. Moreover, it appears that order of this Court was not placed before the Coordinate Bench. Hence, this Court is not inclined to revise the earlier order. However, keeping in view of the fact that thrust of accusation is against co-accused Raja Thakur, who has been granted anticipatory bail, it is expected from the learned court below to consider the prayer for



bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Kadwa P.S. Case No. 174 of 2015, pending in the court of learned ACJM, Ist, Katihar.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J.)

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