

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10711 of 2019**

Arising Out of PS. Case No.-75 Year-2018 Thana- CHARPOKHARI District- Bhojpur

SHANTI CHAUDHARY @ AKHILESH CHAUDHARY Son of Devmuni
Chaudhary Resident of Village - Katharai, P.S-Charpokhari, Distt.-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Singh
For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

6 02-04-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Charpokhari P.S. Case No. 75 of 2018 registered for the offence punishable under Sections 376, 511 of the Indian Penal Code and Section 3/6 of POCSO Act.

Informant is the mother of victim girl, who has alleged that petitioner in her absence, lifted her minor daughter aged about 7 years and took towards a lonely place and attempted to commit rape. On the alarm of victim, the grass cutter ladies reached there and saw the occurrence. After arrival of people, the petitioner escaped from the place of occurrence.

It has been submitted on behalf of the petitioner that



petitioner is innocent and has been falsely implicated in this case due to land dispute. Petitioner is mentally ill and he is under treatment. The medical evidence does not support any sexual assault on the victim. Petitioner is in custody since 20.03.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. District Judge, Ara, in connection with Charpokhari P.S. Case No. 75 of 2018 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution



will be at liberty to move for cancellation of bail of
the petitioner.

(S. Kumar, J)

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