

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23998 of 2019

Arising Out of PS. Case No.-242 Year-2018 Thana- CHHAURADANO District- East
Champaran

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BINOD CHAUDHARY @ VINOD CHAUDHARY Son of Ramchandra
Chaudhary, Resident of village- Jitpur (Brahmpura), P.S.- Chhauradano, Dist.-
East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Rathore

For the Opposite Party/s : Mr. Prem Kumar Jha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
26.02.2019 in connection with Chhauradano P.S. Case No. 242
of 2018 for offences punishable under Section 307 and other
allied Sections of the Indian Penal Code and Section 8 of the
POCSO Act.

The prosecution case, as lodged by the informant, is
that seven persons entered his house, started assaulting with
lathi, danda and rod and tried to outrage the modesty of his wife
and daughter and also took away Rs. 5,000/- from the house and
the mangalsutra of his wife.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal history, general and omnibus allegations have been levelled against seven co-accused including the petitioner and no injury caused to the informant, his wife or daughter. It is further submitted that a counter-case being Chhauradano P.S. Case No. 274 of 2018 was lodged by one Sima Devi of the petitioner's side against the informant, no case under the POCSO Act is made out against him and five of the co-accused named in the First Information Report have since been granted the privilege of pre-arrest bail by a coordinate Bench of this Court in Cr. Misc. No. 19079 of 2019 vide order dated 29.03.2019.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations being general and omnibus, a counter-case has been filed by the petitioner's side and the fact that petitioner does not bear any criminal antecedent, as stated in paragraph-3 of this application, let petitioner, above named, be enlarged 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 Addl. Sessions Judge-I cum Special Judge, Motihari, East Champaran, in connection with Chhauradano P.S. Case No. 242 of 2018, subject to the



condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

Rajesh/-

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