

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44013 of 2019

Arising Out of PS. Case No.-37 Year-2017 Thana- ALINAGAR District- Darbhanga

SUDHIR CHAUPAL, aged about 32 years, Gender- Male, Son of Shri Harinandan Chaupal, Resident of Village- Gosava, Police Station- Alinagar, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Singh, Adv.

For the Opposite Party/s : Mr.Raj Kishore Singh (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 24-07-2019 Heard learned counsel for petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Alinagar P.S. Case No. 37 of 2017 registered for the offences punishable under Sections 376, 341, 323 read with 34 of the Indian Penal Code, Sections 4/6 of the POCSO Act.

Informant in her written complaint has stated that on 10.05.2017 at about 10 'o'clock when all the members of her house had gone outside then petitioner entered into her house and threatened her on the point of knife and raped her and during the course of fleeing away mobile phone of petitioner was left in her house.



Petitioner has earlier moved this Court for bail vide Cr. Misc. No. 74273 of 2018 which was rejected on 17.12.2018 with a direction to the trial court to expedite and conclude the trial within six months from the receipt/production of a copy of order passed by this court. Petitioner is in custody since 14.06.2017.

Considering the aforesaid facts and circumstances of the case and the observation made in order dated 17.12.2018 passed in Cr. Misc. No. 74273 of 2018, 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 Additional Sessions Judge-cum-Special Judge (POCSO) Act, Darbhanga in connection with Alinagar P.S. Case No. 37 of 2017 with following conditions:

- (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 present on each and every date fixed by the court and his absence on two consecutive dates without proper and valid reason trial court shall have 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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