

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61314 of 2019

Arising Out of PS. Case No.-43 Year-2019 Thana- BEN P.S. District- Nalanda

SHAMBHU CHOUDHARY S/o Ramjatan Choudhary R/o village- Bara, P.S.-
Ben, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 376 of the Indian Penal Code and 4, 6,
8 and 12 of the POCSO Act.

The prosecution allegation in short is that the accused
person forcibly committed rape on the *nanad* of the informant.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 4.4.2019 and has got no
criminal antecedent. There is no allegation of tampering of
witnesses alleged against the petitioner. Charge-sheet has been
submitted in the present case. The petitioner has falsely been
implicated in the present case. The victim was examined by the
Medical Board in which no sign of rape is said to have been



found. The victim is said to be major. The allegations made in the F.I.R. is not supported by the report of the Medical Board.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R..

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, 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 Additional Sessions Judge -1st -cum- Special Judge, Nalanda at Biharsharif in connection with Ben P.S. Case No. 43/2019.

(Sudhir Singh, J)

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