

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1012 of 2020

Arising Out of PS. Case No.-77 Year-2019 Thana- RAUTA District- Purnia

HOLEE KUMAR CHAUDHARY S/o Chochuru Chaudhary @ Rati Lal Chaudhary R/o village- Durgapur, P.S.- Rauta, District- Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

7 12-10-2020 Heard Mr. Ram Prawesh Kumar, learned counsel appearing on behalf of the petitioner and Mr. Yogendra Kumar, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of regular bail arises out of Rauta P.S. Case No. 77 of 2019, registered for the offence punishable under Section 376 of the Indian Penal Code and Section 4/8 of the POCSO Act.

The victim is the informant, who has claimed herself to be a minor. Taking advantage of the absence of family members of the victim, allegedly, the petitioner entered into her house and committed sexual assault on her. During the course of the said criminal act itself, some passersby are said to have noticed something unusual, who, thereupon, allegedly entered into the informant's house and apprehended the petitioner at the spot and handed him over to the police. The First Information



Report was registered with the aforesaid allegation.

Case diary was called for, which is there on record.

The statement of the victim has been recorded by the police under Section 161 of the Cr.P.C. and by the Magistrate under Section 164 of the Cr.P.C., which gives an impression that the petitioner and the informant had developed close intimacy as they were studying in the same school and the petitioner was helping her in her studies. The victim has expressed her willingness to live with the petitioner, in her statements. Her age, during the medical examination, was found to be 16-17 years. She is said to have conceived also.

In the aforesaid background, it has been submitted on behalf of the petitioner that allegation of commission of forcible rape is not substantiated on the basis of what has emerged during the course of investigation. The petitioner is in custody since 19.07.2019.

Considering the nature of accusation and all other attending circumstances, including the materials collected during the course of investigation, this application is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the



learned 1st Additional Sessions Judge-cum-Special Judge,
POCSO Act, Purnea, in Rauta P.S. Case No. 77 of 2019.

It is directed that the defect(s) in the application,
pointed out by the Registry, must be removed within two
months.

Since there is a lock down, the Court has considered it
appropriate to adopt following procedure for communication of
the present order :-

(i) The order, which has been dictated during the
course of the proceedings of virtual Court, shall be
communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be
transmitted by me from my e-mail I.D. to the Secretary, which
shall be treated to be the authentic copy of the order passed by
this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall
be preserved in my residential-office for documentation and
future use, if any.

(iv) Let a copy of the order be communicated to the
learned Court below through e-mail or any other appropriate
electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the



present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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