

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4524 of 2020

Arising Out of PS. Case No.-65 Year-2019 Thana- MAHILA PS District- Buxar

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RAMJEE CHOUDHARY Son of Lalan Choudhary Resident of Village -
Narhandih, P.S.- Sikraul, Distt – Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 28-05-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Buxar Mahila P.S. Case No. 65 of 2019, disclosing offences punishable under Sections 376, 341, 323, 504 and 34 of the Indian Penal Code.

It is alleged in the F.I.R. that the petitioner and other co-accused persons were hurling the abuses on the prosecutrix and they had assaulted her also. It is alleged against them that the petitioner and other co-accused were thrashed by the victim and subsequently the co-accused Saroj Choudhary took her forcibly towards the field and committed rape on her.



It has been submitted on behalf of the petitioner that it is evident from the F.I.R. that the allegation of rape is against the co-accused Saroj Choudhary and not against the present petitioner who is in custody since 08.11.2020.

Learned counsel for the petitioner has contended that the said Saroj Choudhary has been granted privilege under Section 41A of Cr.P.C., who is the main accused.

Learned Addl. Public Prosecutor appearing on behalf of the State has vehemently opposed the prayer for regular bail and has referred to the statement of the prosecutrix recorded under Section 164 of the Cr.P.C. to submit that the petitioner does not deserve the privilege of regular bail.

Be that as it may, considering the nature of accusation against the petitioner in the F.I.R., which is based on written report of the prosecutrix herself, coupled with the fact that the main accused Saroj Choudhary has been given the privilege of Section 41A of the Cr.P.C. This application is allowed, keeping in view the fact that the petitioner is in custody since 08.11.2019.

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



S.D.J.M., Buxar in connection with Buxar Mahila P.S. Case No.
65 of 2019.

AKASH/- **(Chakradhari Sharan Singh, J)**

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