

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.4157 of 2020**

Arising Out of PS. Case No.-268 Year-2019 Thana- SAHPUR District- Patna

Chhotan Rai, Son of Bhola Rai @ Bhola Ray @ Bhola Singh, R/o- Sikarpur,
P.S.- Shahpur, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Advocate
For the Opposite Party/s : Mr.Yogendra Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-06-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner in the present case is seeking regular bail in connection with Shahpur P.S. Cases No. 268 of 2019 registered for the offence punishable under Sections 376/34 of the Indian Penal Code and 67(A) of I.T.Act.

Earlier the prayer for bail of the petitioner was rejected on 11.12.2019 in Cr. Mic. No. 74069 of 2019 (Annexure '1'). Learned counsel for the petitioner submits that earlier the prayer for bail of the petitioner was rejected considering only the First Information Report wherein the Chaukidar had identified the three persons in the Video who were allegedly involved in commission of rape but subsequently



when the investigation was made neither the alleged victim lady was examined by Police either under Section 161 or 164 Cr.P.C. nor any medical examination of the victim lady took place. It is thus apparent that there being no material to support the allegations, the petitioner deserves privilege of regular bail at this stage. He has remained in custody for eleven months and in the meantime the similarly situated co-accused have been granted privilege of regular bail by learned co-ordinate Bench of this Court, one of the orders passed in Cr. Misc. No. 73528 of 2019 has been enclosed in Annexure '3' to the present application.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but having considered the submission of learned counsel for the petitioner, the fact that the victim lady has not been examined and the co-accused has been granted bail by learned co-ordinate Bench of this Court as also that the petitioner has no criminal antecedent, let the petitioner above named be released on bail in connection with Shahpur P.S. Cases No. 268 of 2019 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction learned A.C.J.M. I, Danapur, Patna, subject to the conditions as laid down under



Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

vats/Rajeev

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

