

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24398 of 2020

Arising Out of PS. Case No.-261 Year-2019 Thana- GURUA District- Gaya

Rajesh Chaudhary @ Vidhayak aged about 35 years (Male) son of Ram Pujan Chaudhary, Resident of Village - Pasi Tola, Police Station - Gurua, District - Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate

For the Opposite Party/s : Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

5 07-12-2020 Heard Mr. Y.C. Verma, learned senior counsel for the petitioner and Dr. Indihar Kumari, learned counsel appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Gurua P.S. Case No. 261 of 2019 registered for the offence under Section 376 / 34 of the I.P.C.

The allegation as per the First Information Report is that the petitioner being the landlord of the victim called her in the dental clinic of one Dr. B.K. Tiwari to give money requested by her and committed rape upon her.

Learned senior counsel for the petitioner submits that petitioner has falsely been implicated in this case due to oblique motive and in order to extract money from the petitioner inasmuch as the victim lady is the tenant of the petitioner and the victim had demanded loan for purchase of a piece of land which was given by the petitioner, but with intention not to repay the loan the present false F.I.R. has been lodged by her. The



victim is residing as a tenant in the house of petitioner alongwith her husband and children. Learned counsel referring to the supplementary affidavit submits that local people have signed representation and have requested the high officials of the Police Department to hold an independent inquiry in this case. Learned counsel referring to the Annexure – 2 to this bail application submits that the victim lady was medically examined on the next day of the date of occurrence inasmuch occurrence has taken place on 16.12.2019 and the victim was medically examined on 17.12.2019 and the doctor has not found any alive or dead spermatozoa and sign of rape upon the victim lady. Learned counsel further submits that the petitioner is in custody since 19.12.2019.

On the other hand learned counsel appearing for the State referring to the case diary submits that the victim in her statement recorded under Section 164 of the Cr.P.C. has categorically stated that she was called by the petitioner in the dental clinic of the doctor and committed rape on the doctor's chair. Learned counsel further submits that the undated cheque given by the petitioner has been produced by the informant before the Police during the course of investigation.

Having regard to the submission made by the parties



and taking into consideration the materials available on record in totality, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sherghati, Gaya in connection with Gurua P.S. Case No. 261 of 2019 on the following condition:-

(i) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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