

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23512 of 2020**

Arising Out of PS. Case No.-14 Year-2020 Thana- MAHILA P.S. District- Nawada

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KANHAIYA CHAUDHARY Son of Late Umesh Chaudhary Resident of
Village- Kapasiya, P.S.- Kawakole, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr. Mithilesh Kumar Khare

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 06-10-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and learned APP for the State .

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Pocso case no. 27 of 2020



arising out of Nawada Mahila P.S. Case no. 14 of 2020 instituted for the offence under Sections 376(A & B) and 506 of the IPC and Section 4 of the POCSO Act.

The informant has alleged that when her 11 years old daughter had gone to attend the call of nature, she has been caught hold by the petitioner and there is an allegation of rape having been committed.

Petitioner's counsel submits that the petitioner bears clean antecedent and petitioner and prosecution party are co- villagers and implication is based on extraneous consideration. It is submitted that the parties, in view of the aforesaid facts, have filed a joint compromise petition in the Court below on 06.06.2020. The same is Annexure-4 to the instant application. The further allegation is that falsity is evident from the fact that occurrence is alleged on 18.05.2020. The F.I.R., however, has been lodged on 23.05.2020.

The petitioner is in custody since 27.05.2020

The learned APP has opposed the prayer for bail.

Considering the aforesaid, 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 Addl. District and Sessions Judge



1st, Nawada in connection with Pocso case no. 27 of 2020 arising out of Nawada Mahila P.S. Case no. 14 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(iii) The petitioner undertakes to be present at the trial on a daily basis.

(Madhuresh Prasad, J)

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