

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.29160 of 2020**

Arising Out of PS. Case No.-67 Year-2020 Thana- BAHADURPUR District- Patna

RAJAN KUMAR CHOUDHARY @ RAJAN KUMAR Son of Rajendra
Kumar Chaudhary Resident of Mohalla - Bahadurpur Chowk, Behind Durga
Mandir, P.S.- Bahadurpur, District – Patna. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Samir Kumar, Advocate

For the Opposite Party/s : Mr.Parmanand Kumar, APP

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

2 10-11-2020 Learned counsel for the petitioner undertakes to remove
all the defects pointed out by the Stamp Reporter within four weeks
after start of normal functioning of the Court.

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

The petitioner in the present is seeking regular bail in
connection with Bahadurpur P.S. Case No. 67 of 2020 registered for
the offences punishable under Sections 448, 354(B), 506 of the
Indian Penal Code and Sections 8/12 of POCSO Act.

Learned counsel for the petitioner submits that as per
allegations the petitioner had entered in the room of the informant
and with a bad intention he started teasing the sister of the informant
and when it was objected to by the informant, she was pushed away.

Learned counsel submits that this petitioner is the house
owner and the informant is a tenant in the house of the petitioner. In
his submissions the case has been lodged because of a dispute on



account of the tenancy and it is nothing but a false implication by alleging that the petitioner has indulged in eve-teasing with the sister of the informant.

Learned counsel submits that the petitioner and his brother have been made accused in this case. This Court has already granted pre-arrest bail to the brother of this petitioner in Cri. Misc. No. 19875 of 2020 vide order dated 24.07.2020. It is further submitted that from Annexure '2' it will appear that the petitioner has been under medical treatment and one of the eyes of the petitioner has got damaged. The crux of the submissions is that the petitioner who is not having criminal antecedent and has remained in jail in connection with this case since 17.04.2020 deserves privilege of regular bail.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case, the nature of relationship being house owner and tenant and the submission of the petitioner that he has been framed in this case on a dispute over the tenancy, the allegation being that of eve-teasing and the petitioner having remained in jail for over six months, there being no submission on behalf of the State that his release at this stage is in any way likely to interfere with the course of trial, let the petitioner above-named be released on 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 Special Judge, POCSO Act, Patna in connection with Bahadurpur P.S. Case



No. 67 of 2020, subject to the condition as laid down under Section 437 (3) 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, of 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/avin

U		T	
---	--	---	--

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'.

