

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30726 of 2021**

Arising Out of PS. Case No.-184 Year-2020 Thana- DAWATH District- Rohtas

AKASH CHAUDHARY Son of Brij Kishore Chaudhary Resident of Village -
Kowath, P.S. - Dawath, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dr. Chandra Shekhar Azad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 07-12-2021 Heard learned counsel for the petitioner, learned
counsel for the Informant and learned APP for the State.

The petitioner seeks regular bail in connection with
Dawath P.S. Case No.184 of 2020 registered for the offence
under Sections 376, 504 and 506 of the IPC and Section 67 of
the Information Technology Act, 2000.

As per prosecution case, petitioner made physical
relation with the informant on the pretext of performing
marriage.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
petitioner and victim girl were in love affairs for near about
three or four months. He further submits that as per medical



examination report, no sign of sexual assault has been found.

Petitioner is in custody since 08.03.2021.

However, learned APP for the State as well as learned counsel for the informant on the basis of the case diary vehemently opposed the prayer for regular bail of the petitioner and submitted that the father and mother of the victim girl have given their statement before the police that their daughter was in love affair with the petitioner. Learned counsel for the informant further submits that the father and mother of the victim lady had fixed her marriage with another boy but she fled away from her house.

Considering the aforesaid facts and circumstances and the period of custody of the petitioner, the above named petitioner is directed to 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 learned Additional Chief Judicial Magistrate, III, Bikramganj, Rohtas in connection with Dawath P.S. Case no. 184 of 2020 with following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(iii) 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.

(iv) 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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