

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.345 of 2021

Arising Out of PS. Case No.-12 Year-2020 Thana- THAKRAHA District- West Champaran

1. RAHUL CHAUHAN Son of Ganjan Chauhan Resident of Village - Koirpatti, P.S.- Thakaraha, District - West Champaran.
2. Shanideo Chauhan @ Rakesh Chauhan Son of Jaleshar Chauhan Resident of Village - Koirpatti, P.S.- Thakaraha, District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Lallan Kumar Verma, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-03-2021 Learned counsel for the appellants undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Learned counsel for the appellants is permitted to make correction in the prayer portion of the application in course of the day.

Heard learned counsel for the appellants and learned Spl. P.P. for the State.

The appellants in the present case are seeking to set aside the order dated 06.07.2020 passed in Bail Petition No.1590/2020 (Arising out of Thakraha P.S. Case No.12/2020) by the learned Court of 1st Additional District and Sessions



Judge-cum-Special Judge (SC/ST POCSO) Bettiah, West Champaran whereby and whereunder the prayer for regular bail of the appellants for the offences punishable under Sections 341, 323, 354(B), 307, 379 and 504/34 of the Indian Penal Code and Sections 3(i), (r)(s)/3(w)(v)(v2) SC/ST (Prevention of Atrocities) Act has been rejected.

Learned counsel for the appellants submits that the appellants have been falsely implicated in this case and the allegation against them is that they had abused the informant and had caught hold of the hand of the informant's daughter. He submits that however, there is no allegation that the appellants had committed any indecent act and/or in any way interfered with the daughter of the informant. It is submitted that both the parties are co-villagers and the appellants have otherwise no criminal antecedent.

Learned Spl. P.P. for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the appellants that the appellants have been falsely implicated in this case, the allegation has been made that they had abused the informant and had caught hold of the hand of the informant's



daughter, however, there is no allegation that the appellants had committed any indecent act and/or in any way interfered with the daughter of the informant, both the parties are co-villagers and the appellants have otherwise no criminal antecedent, the investigation against them is complete, let the impugned order be set aside and the appellants be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST POCSO), Bettiah, West Champaran in connection with Thakraha P.S. Case No.12/2020, G.R.No.24/2020, 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 the court below shall verify the criminal antecedents of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The appeal stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

